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City of Rockingham, North Carolina

Zoning Ordinance: Preliminary Draft

July, 1981

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AN ORDINANCE ESTABLISHING COMPREHENSIVE ZONING REGULATIONS FOR THE CITY OF ROCKINGHAM, NORTH CAROLINA, AND PROVIDING FOR THE ADMINISTRATION, ENFORCEMENT AND AMENDMENT THEREOF, IN ACCORDANCE WITH THE PROVISIONS OF ARTICLE 19 OF CHAPTER 160A OF THE GENERAL STATUTES OF NORTH CAROLINA, AND FOR THE REPEAL OF ALL ORDINANCES IN CONFLICT HERewith

WHEREAS, Chapter 160A-381 of the general statutes of North Carolina empowers the City of Rockingham to enact a Zoning Ordinance and to provide for its administration, enforcement and amendment; and

WHEREAS, the City Council of the City of Rockingham deems it necessary, for the purpose of promoting the health, safety, morals, and general welfare of the City to enact such an ordinance; and

WHEREAS, the City Council, pursuant to the provisions of Chapter 160A-381 of the General Statutes of North Carolina, has appointed a Planning and Zoning Board to recommend the boundaries of the various districts and appropriate regulations to be enforced therein; and

WHEREAS, the Planning and Zoning Board has divided the City into districts and has prepared regulations pertaining to such districts in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic, and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; to facilitate the adequate provision of transportation, water sewerage, schools, parks, and other public requirements; and

WHEREAS, the Planning and Zoning Board has given reasonable consideration, among other things, to the character of the districts and their peculiar suitability for particular uses, with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City; and

WHEREAS, the Planning and Zoning Board has made a preliminary report and held public hearings thereon, and has submitted its final report to the City Council; and

WHEREAS, the City Council has given due public notice of hearings relating to zoning districts, regulations, and restrictions, and has held such public hearings; and

WHEREAS, all requirements of Article 19 of Chapter 160A of the General Statutes of North Carolina, with regard to the preparation of the report of the Planning and Zoning Board and subsequent action of the City Council have been met;

NOW, THEREFORE BE IT ORDAINED BY THE CITY COUNCIL OF THE CITY OF ROCKINGHAM, NORTH CAROLINA

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I
GENERAL PROVISIONS

1.0 Purpose of Zoning

The zoning regulations as herein set forth have been made in accordance with a comprehensive plan and designed to lessen congestion in the streets; to secure safety from fire, panic and other dangers; to promote health and the general welfare; to provide adequate light and air; to prevent the overcrowding of land; to avoid undue concentration of population; and to facilitate the adequate provision of transportation, water, sewerage, schools, parks and other public requirements.

2.0 Effect of Zoning

The regulations set by this ordinance shall be minimum regulations and shall apply uniformly to each class or kind of structure or land, except as herein after provided:

- a. No building, structure or land shall hereafter be used or occupied and no building or structure or part thereof shall hereafter be erected, constructed, reconstructed, moved or structurally altered except in conformity with all of the regulations herein specified for the district in which it is located.
- b. No building or other structure shall hereafter be erected or altered to exceed the height or bulk, to accommodate or house a greater number of families, to occupy a greater percentage of lot area, or to have narrower or smaller rear yards, front yards, side yards or other open spaces than herein required, except as provided under Section IV-Special Uses, or Section X - Board of Adjustment.
- c. No part of a yard or other open space required about or in connection with any building for the purpose of complying with this Ordinance shall be encroached upon or considered as meeting the yard or open space similarly required for any other building.
- d. No yard or lot existing at the time of passage of this Ordinance shall be reduced in size or area below the minimum requirements set forth herein. Yards or lots erected after the effective date of this Ordinance shall meet at least the minimum requirements established by this Ordinance.
- e. Every building hereafter erected, moved or structurally altered shall be located on an individual lot. In no case shall there be more than one (1) principal building and its customary accessory buildings on a lot, except upon approval of the City Council or the Board of Adjustment as provided by Section 8- District Regulations or Section IV - Special Uses.

- f. No building shall be erected on or moved to a lot which does not abut a public street or have access to a public street as defined in Section XIV-Definitions.

3.0 Bona Fide Farm Exemption

This ordinance shall in no way regulate, restrict, prohibit or otherwise deter any bona fide farm and its related uses. In case of conversion of such uses to nonagricultural or nonfarm purposes, a certificate of occupancy shall be procured and the new use must comply with all requirements of the district in which it is located.

4.0 Lot of Record

- a. Where the owner of a lot of record does not own and cannot reasonably acquire sufficient adjacent land to enable him to conform to the required open space and other requirements herein prescribed, such lot of record may be used by said owner as a building site provided that the required open space and other provisions conform, as closely as possible, in the opinion of the Board of Adjustment, to the requirements of the Zoning District in which it is located.
- b. Where two or more abutting substandard lots of record are held in one ownership, either legal or equitable, or subsequently come to be held in one ownership, they shall be considered to be a single lot of record for the purpose of this ordinance, and the provisions of this ordinance shall not thereafter be circumvented or avoided by the willful sale or conveyance of a part of any such lot of record.

5.0 Area of Zoning Jurisdiction

The provisions of this Ordinance shall apply within the corporate limits of the City of Rockingham and within the area beyond as defined by the extraterritorial boundary shown on the map accompanying this Ordinance and made a part hereof, entitled "Zoning Map of the City of Rockingham, North Carolina."

6.0 Establishment of Zoning Districts

For the purpose of the Ordinance, the City of Rockingham and its extraterritorial jurisdiction is divided into the following zoning districts with the designations and purposes listed below.

- a. R-20 Residential

This district is established for primarily low density residential development. Standards formulated for this district are designed to: preserve the rural character of Richmond County by prohibiting uses incompatible with rural and low density residential development; to encourage low density residential development in an orderly manner as urban services are extended into such areas; to ensure a healthy and safe environment for residential development not provided with complete urban services; and to create development patterns and land uses conducive to the orderly and efficient growth of the Rockingham area. Certain non residential uses of a temporary, public, or semi-public

nature are permitted, either as a matter of right or on a conditional basis. Commercial activity is restricted to home occupations, recreation facilities and the sale of agricultural/horticultural items. Mobile homes, a form of single family residence, and as defined in this Ordinance, are permitted in this district because in the Rockingham area they are traditionally and customarily associated with rural development.

b. R-12 Residential

This district is established for low density, single family residential development. Standards formulated for this district are designed to: protect existing low density residential areas and encourage orderly development of future low density residential areas, and to prohibit uses incompatible with low density residential development. Certain non residential uses of a temporary public, or semi-public nature are permitted as a matter of right or on a conditional basis. Commercial activity is restricted to home occupations. Mobile homes, a form of single family residence and as defined in this Ordinance, are prohibited in this district because in the Rockingham area they are traditionally and customarily associated with rural and/or high density development.

c. R-9 Residential

This district is established for moderate density, primarily single family residential development where public water and sewerage are, or will be provided. Standards formulated for this district are designed to: protect existing moderate density residential areas and encourage orderly development of future moderate density residential areas; and to prohibit uses incompatible with moderate density residential development. Mobile homes, a form of single family residence and as defined in this Ordinance, are prohibited in this district because in the Rockingham area they are traditionally and customarily associated with rural and/or high density development. Under certain circumstances, the dimensional requirement may be reduced to allow small scale two family, townhouse, and similar residential types to act as a buffer between the primary single family residential uses of this district and higher density or incompatible land uses, as a conditional use. Commercial activity is restricted to home occupations. Certain non residential uses of a temporary, public, or semi-public nature are permitted as a matter of right or on a conditional basis.

d. R-7 Residential

This district is established for higher density single family and multi-family residential development where adequate public services are available. Standards formulated for this district are designed to: protect existing higher density residential areas and encourage orderly development of future higher density residential areas; and to prohibit uses incompatible with higher density residential land uses. Mobile homes, a form of single family residence and as defined in this Ordinance, may be permitted on a conditional basis because in the Rockingham area they are traditionally and customarily associated with higher density residential development. Commercial activity is restricted to home occupations. Certain non residential uses of a temporary, public, or semi-public nature are permitted as a matter of right or on

a conditional basis. Higher density residential districts are located near retail and employment centers to provide convenient access for shoppers and workers, and in close proximity to major and minor thoroughfares to minimize traffic congestion on residential streets. Large scale multi family development is permitted on a conditional basis because a sight design review can help assure adequate health, safety, and general welfare protection with such development.

e. R-7A Residential

The R-7A Rural Residential district is established to conserve certain areas within the Rockingham jurisdiction where historical development patterns have created "village" type neighborhoods. Such villages are characterized by mixed land uses with an employment center, and commercial goods and professional/personal services, within walking distance. These villages are similar to the planned unit development PUD concept, and differ primarily because they were developed prior to technological innovations such as the automobile. Land is subdivided into small lots, rights-of-way are narrow, and there are few buffer areas between differing land uses. It is the intent of this section to conserve these areas, but not to expand their boundaries; modern development patterns do not fit the historic village concepts.

f. B-1 Neighborhood Business

This district is established for neighborhood commercial and services uses. Such areas are intended to serve surrounding or abutting residential neighborhoods. Standards formulated for this district are designed to : promote sound, permanent business and service facilities; and to protect adjacent residential areas from the undesirable aspects of commercial type development. Certain uses of a residential, public, or semi-public nature are permitted as of right or on a conditional basis. Neighborhood business districts are to be located at accessible places with respect to traffic circulation so as to minimize congestion on residential streets.

g. B-2 Central Business Districts

This district is established as the centrally located trade and service area of the community and region. A mixture of commercial, service, and residential, and other uses are permitted to protect the concentrated urban stability of the district. Standards formulated for this district are designed to: concentrate urban services; to promote safe pedestrian activity; to protect intense commercial and service areas from incompatible land use activities. Certain uses which may have an adverse impact on, or be adversely impacted by, the district as a whole may be permitted on a conditional basis.

h. B-3 Highway Business

This district is established primarily for business catering to the auto traveling public, requiring large lots, easy access, ample parking and loading space, and little pedestrian movement. Retail trade and services for the convenience of nearby residential areas is also a function of this district.

7.0 Zoning District Boundaries

The locations and boundaries of the zoning districts shall be as shown on the map accompanying this Ordinance and made a part hereof, entitled "Zoning Map of the City of Rockingham." The Zoning Map and the notations, references and amendments thereto, and other information shown thereon, are hereby made a part of this Ordinance. The Zoning Map, properly attested by the signatures of the Mayor and the Town Clerk with the seal of the municipality affixed, shall be kept on file in the office of the Building Inspector and shall be available for inspection by the public.

The boundaries of such districts as are shown upon the aforesaid map are hereby adopted. The provisions of this Ordinance governing within each type of district the use of land and buildings, the height of buildings, and other matters as are hereinafter set forth, are hereby established and declared to be in effect upon all land included within the boundaries of each and every district as shown upon said map.

In the creation, by this Ordinance, of the respective districts, reasonable consideration was given to the character of each district and its peculiar suitability for particular uses, and with a view to conserving the value of buildings and encouraging the most appropriate use of land throughout the City of Rockingham and its extraterritorial jurisdiction area.

8.0 Interpretation of District Boundaries

Where uncertainty exists as to the boundaries of districts as shown on the Zoning Map, the following rules shall apply:

- a. Boundaries indicated as approximately following street, alley or lot lines shall be construed to be such boundaries.
- b. Boundaries indicated as approximately following town limits shall be construed as following such town limits.
- c. Boundaries indicated as following railroad lines shall be construed to be midway between the main tracks.
- d. Boundaries indicated as following shore lines shall be construed to follow such shore lines, and in the event of change in the shore line shall be construed as moving with the actual shore line.
- e. Boundaries indicated as following the center lines of streams, rivers, canals, lakes, or other bodies of water shall be construed to follow such center lines.
- f. In unsubdivided property or where a district boundary divides a lot, the location of such boundary, unless the same is indicated by dimensions, shall be determined by use of the scale appearing on the map.
- g. Where any street, road or alley is hereafter officially vacated or abandoned the regulations applicable to each parcel or abutting property shall apply to that portion of such street, road or alley added to the property by virtue of such vacation or abandonment.
- h. In case any further uncertainty exists, the Board of Adjustment shall interpret the intent of the map as to location of district boundaries.

9.0 Amendment of District Boundaries

If, in accordance with the provisions of this Ordinance, changes are made in district boundaries or other matter portrayed on the Zoning Map, the following rules shall apply:

- a. Such changes shall be entered on the Zoning Map promptly after the amendment has been approved by the City Council, together with a reference to a more complete descriptive record of such changes which shall be kept as a permanent record in the office of the Building Inspector.
- b. Entries on the Zoning Map shall be noted by index number. The number shall appear again on the map in a space provided, that correctly specifies the zoning case number and the date the zoning change was approved.
- c. No amendment to this Ordinance which involves matter portrayed on the Zoning Map shall become effective until after such change and entry has been made on said map.
- d. No changes of any nature shall be made in the Zoning Map or matter shown thereon except in conformity with the procedures set forth in this Ordinance. Any unauthorized change of whatever kind by any person or persons shall be considered a violation of this Ordinance and punishable as provided under Section IX.

10.0 Front Yard Regulations: Residential Districts

The following regulations shall apply in all residential districts:

- a. Where lots comprising forty percent (40%) or more of the frontage in any block face are developed with buildings whose front yards are less than the minimum required front yard as specified in this Ordinance, no structure shall be erected, reconstructed, altered or moved so as to project closer to the right-of-way line of the street on which it faces than the average building line established by such buildings.
- b. The front yard requirements as specified in the Schedule of District Regulations (Section 11.1) shall apply to each frontage of a through lot.
- c. The front yard requirements as specified in the Schedule of District Regulations (Section 11.1) shall apply to the street side yard of a corner lot.

11.0 Side Yard Regulations: All Districts

Where any side yard is provided, though not required, the same shall be not less than five (5) feet.

II SUPPLEMENTARY DISTRICT REGULATIONS

1.0 General Yard Regulations

Every part of a required yard shall be open from its lowest point to the sky unobstructed, with the following exceptions:

- a. Sills, belt courses, buttresses, ornamental features and eaves, but not porches, may project into a required side yard not more than thirty (30) inches, and into a required front or rear yard not more than four (4) feet.
- b. Open or enclosed fire escapes, fireproof outside stairways, and balconies may project into a required yard not more than four (4) feet.
- c. The ordinary projections of chimneys and flues may be erected where the Building Inspector or agent finds that they are so placed as to not obstruct light and ventilation for the structure in question and adjoining structures.
- d. Carports which are attached to a dwelling may extend to within six (6) feet of any side property line (not a corner lot line). This distance shall be measured from the furthest projection from the dwelling.
- e. Accessory structures may in certain instances be located in required yards. See Section II-6.

2.0 Front Yard Regulations: Residential Districts

The following regulations shall apply in all residential districts:

- a. Where lots comprising forty percent (40%) or more of the frontage in any block face are developed with buildings whose front yards are less than the minimum required front yard as specified in this Ordinance, no structure shall be erected, reconstructed, altered or moved so as to project closer to the right-of-way line of the street on which it faces than the average building line established by such buildings.
- b. The front yard requirements as specified in the Schedule of District Regulations (Section XIII) shall apply to each frontage of a through lot.
- c. The front yard requirements as specified in the Schedule of District Regulations (Section XIII) shall apply to the street side yard of a corner lot.

3.0 Side Yard Regulations: All Districts

Where any side yard is provided, though not required, the same shall be not less than five (5) feet.

4.0 Intersecting Visability

To ensure that structures and landscaping materials do not constitute a driving and pedestrian hazard, a "sight triangle" shall be observed at all street intersections, or intersections of streets with driveways, or intersections of streets with railroad tracks. Within the sight triangle, no obstruction of any kind shall be permitted between a height of two (2) feet and six (6) feet above the mean elevation of the street. The B-2 Central Business district shall be exempt from these requirements because of large scale development, low traffic speeds, and adequate traffic controls.

The sight triangle shall consist of the following:

- a. Intersecting streets shall have a sight triangle with two sides being twenty five (25) feet along the abutting rights-of-way lines, measured from their point of intersection, and the third side being a line connecting the ends of the other two lines.
- b. A street intersecting a railroad track shall have a sight triangle with two sides being fifty (50) feet along the abutting rights-of-way lines, measured from their point of intersection, and the third side being a line connecting the other two lines.
- c. A street intersecting a driveway shall have a sight triangle with one side being fifteen (15) feet along the right of way, one side being fifteen (15) feet along the abutting driveway pavement, and the third side being a line connecting the other two lines.

5.0 Accessory Structures-Residential

Accessory structures and uses are permitted in any residential district in connection with any use which is permitted with such district. Accessory structures and uses as defined in Section XIV of this Ordinance, shall include the following:

- a. A private garage or carport when not attached to the principal structure.
- b. A structure for enclosed storage incidental to a permitted use.
- c. A non-paying guest house when permitted as of right or conditionally.
- d. A private swimming pool and bath house.
- e. Statuary, arbors, trellises, awnings, canopies, barbeque equipment, gazebo, flag poles, non-mechanical laundry drying equipment, terraces, recreational equipment, fences, walls and hedges.
- f. Fallout shelters.
- g. Outdoor parking of trucks, buses, trailers, recreational vehicles, and boats.

In all residential districts, detached accessory structures and uses may be located in a required rear and side yards subject to the following provisions:

- a. No accessory structure or use shall be located closer than ten (10) feet to any principal building, except II-5 (e.) above.

- b. On through and corner lots, no accessory building or use shall extend beyond the front yard setback required on the street frontage to the rear/side of the principal structure.
- c. No part of an accessory structure or use shall extend to within five (5) feet of any side or rear property line, except fences, walls, and vegetation.
- d. Fences, walls, and vegetation may be erected in any required yard, provided that the maximum height of a wall, fence, or hedge shall be 3 feet in a required front yard.

Outdoor storage of non-household items is not allowed in residential areas unless specifically permitted by the Schedule of District Regulations or by the Board of Adjustments as conditional use.

6.0 Accessory Structures and Uses (Non-Residential)

Accessory structures and uses are permitted in any non-residential zoning district with any permitted principal use (as of right or conditionally). Accessory structures and uses, as defined in Section XIV of this Ordinance, shall include the following, unless specifically prohibited in the Schedule of District Regulations:

- a. Structures and uses considered accessory to permitted non-residential uses.
- b. Outdoor storage, when specifically permitted as of right or conditionally.
- c. Canopies, free standing or attached, for weather protection.
- d. Gasoline pump islands.
- e. Merchandise displays where permitted as of right or conditionally.
- f. Outdoor parking of trucks, buses, and other large vehicles.
- g. Similar accessory structures and uses as defined by Section XIV.

In all non-residential districts, accessory structures and uses may be located in the required rear or side yard, provided the landscaping and buffer provisions of Section V-7 are met.

In all non-residential districts, permitted accessory structures and uses may be located within one-half of the required front yard. (For example, if a fifty foot setback is required for the principal structure, an accessory structure may be located twenty-five feet from the front property line.)

This front yard regulation shall apply to rear and/or side yards on through and/or corner lots.

Off street parking and paved service areas may be located in any yard of a required non-residential district lot, provided that the landscaping and buffer requirements of Section V-7 are met.

7.0 Unified Development

In the case of a unified multi-family or shopping center development consisting of two (2) or more structures to be constructed on a plot of ground not subdivided, site plan approval shall first be given by the City Administration and Board of Adjustment. Where street and lot layout makes it impractical to apply the requirements of this Ordinance to the individual buildings in such business development, the application of such requirements may be adjusted in a manner that will be in harmony with the character of the neighborhood and will insure substantially the same character of occupancy. In no case will a use or building height or area be authorized which is prohibited in the district in which the development is to be located.

The Board of Adjustment shall not exercise authority under this provision until the City Administration has made a recommendation on the proposed plans.

8.0 Residual Lot Area

In districts permitting two-family or multi-family dwellings, where the area of the property is such that a portion remains after full requirements have been met for other dwelling units on the same property, the following rules shall apply in determining density, and no relaxation of these rules shall be permitted by a variance. If otherwise permitted by the regulation of a district:

- a. Two (2) units shall be permitted on a lot containing area for one (1) unit and ninety-five percent (95%) of the area for the second.
- b. Three (3) units shall be permitted on a lot containing area for two (2) units and ninety percent (90%) of the area required for a third.
- c. Four (4) units shall be permitted on a lot containing area for three (3) units and eighty-five percent (85%) of the area for a fourth.
- d. One (1) additional unit shall be permitted on a lot containing area for four (4) or more units and eighty percent (80%) of the area required for the additional unit.

9.0 Keeping of Animals

No horse or other animals other than normal household pets and no piggery, hennery, or stable or barn shall be permitted in any zoning district except on bona fide farms or unless specifically permitted by the requirements of this Ordinance.

10.0 Single Mobile Homes on Permanent Residential Lots

Mobile homes, as single family principal dwelling units, are permitted as right or conditionally in certain zoning districts in the Rockingham area. The installation of such mobile homes shall comply with the provisions set forth below. These provisions were adopted in order to protect the individual structures from fire and storm damage and to protect the neighborhood characteristics of the applicable residential zoning districts.

- a. Single mobile homes shall be situated on a lot so as to meet all applicable dimensional requirements.
- b. Single mobile homes shall be installed with their longest dimension parallel to the lot frontage.

- c. Single mobile homes shall be installed and anchored with a permanent foundation and permanent underpinning of brick, masonry, or wood framing.
- d. Single mobile homes shall meet the specifications of the HUD regulations.

11.0 Single mobile homes as Temporary Offices

Mobile homes may be used as temporary construction offices when located on the same property as the construction project. Such offices shall as closely as possible comply with the yard requirements of the zoning district in which they are located. The mobile home shall be removed immediately after completion of the construction.

Mobile homes may be used as temporary sales offices while a project is under construction/development, provided the following:

- a. Written approval is granted by the Building Inspector.
- b. Approval shall be for six months only in the case of residential development.
- c. Placement of the structure shall comply with all dimensional requirements of the zoning district in which the structure is located.

12.0 Mobile Homes as Permanent Non-Residential Structures

Mobile homes may be used as permanent non-residential structures where such non-residential uses are permitted by this Zoning Ordinance. Non-residential mobile home uses shall comply with the following provisions in order to protect the structure and neighboring structures from fire and stormage, and to protect the nature and characteristics of the neighborhood:

- a. The mobile home shall be situated on a lot so as to meet all applicable dimensional requirements, and in addition to provide rear/side yards at least fifteen (15) feet in width.
- b. The mobile home shall be installed with its longest dimension parallel to the lot frontage.
- c. The mobile home shall be installed and anchored with a permanent foundation and permanent underpinning of brick, masonry, or wood.
- d. The mobile home shall meet the specifications of the HUD regulations.
- e. A minimum of thirty feet shall separate the mobile home from other principal or accessory structures on the same lot.
- f. Mobile homes as non-residential structures shall not be installed where such installation is in conflict with state or local fire codes.

13.0 Additional Permanent Dwellings on a Single Residential Lot

Additional permanent dwelling units on a single residential lot are permitted in all residential zoning districts provided that if the lot is subsequently subdivided, no substandard lots or non conforming structures are created. Each individual structure shall comply separately with all applicable provisions of the zoning district in which the lot is located.

Additional permanent dwelling units on a single residential lot are permitted in all residential zoning districts provided that if the lot is subsequently subdivided, no subdivided lots or non-conforming structures are created. Each individual structure shall comply separately with all applicable provisions of the zoning district in which the lot is located.

Additional Permanent Dwellings on a Single Residential Lot

1. Mobile homes as non-residential structures shall not be installed where such installation is in conflict with state or local fire codes.
2. A minimum of thirty feet shall separate the mobile home from other principal or accessory structures on the same lot.
3. The mobile home shall meet the specifications of the HUD regulations.

- c. The mobile home shall be installed and anchored with a permanent foundation and permanent underpinning of brick, masonry, or wood.

- b. The mobile home shall be installed with its longest dimension parallel to the lot frontage.

- a. The mobile home shall be situated on a lot so as to meet all applicable dimensional requirements, and in addition to provide necessary yards at least fifteen (15) feet in width.

The nature and characteristics of the neighborhood, the structure and neighboring structures from fire and storage, and to protect mobile home use shall comply with the following provisions in order to protect non-residential uses are permitted by this Zoning Ordinance. (non-residential) Mobile homes may be used as permanent non-residential structures where such

Mobile Homes as Permanent Non-Residential Structures

- c. Placement of the structure shall comply with all dimensional requirements of the zoning district in which the structure is located.
- b. Approval shall be for six months only in the case of residential development.
- a. Written approval is granted by the Building Inspector.

Mobile homes may be used as temporary sales offices while a project is under construction/development, provided the following:

Mobile homes may be used as temporary construction offices when located on the same property as the construction project. Such offices shall be closely associated with the project and shall be removed immediately after completion of the construction.

Mobile Homes as Temporary Offices

- b. Single mobile homes shall meet the specifications of the HUD regulations.

- c. Single mobile homes shall be installed and anchored with a permanent foundation and permanent underpinning of brick, masonry, or wood framing.

4.0 Townhouse and Zero Lot Line Dwelling Units

Townhouse and zero lot line dwelling units on individual lots are permitted as of right or conditionally in certain zoning districts (as specified in Section XIII) where a protected environment suitable for moderate density residential uses can be provided. Development of townhouse or zero lot line dwellings shall comply with the following provisions:

- a. Maximum density shall be twice the allowable density for the zoning district in which the project is located (i.e., 3,500 square feet per unit in the R-7 and R-7A districts; and 4,500 square feet in the R-9 districts).
- b. Minimum lot width shall be 24 feet for each townhouse unit; and 40 feet for each zero lot line unit.
- c. Minimum front yard set backs shall be the same as for the zoning district in which the project is located.
- d. Minimum rear yards shall be 20 feet for townhouse and zero lot line developments.
- e. Minimum side yards shall be 15 feet for townhouse end units, and none required for interior units. Zero lot line units shall have no minimum yard requirements on one side, and 15 feet on the opposite side. If a yard is provided where none is required, such yard shall be at least five feet wide. At least 15 feet shall separate a zero lot line unit side from the property line of other existing or future types of structures.
- f. Maximum lot coverage for townhouse and zero lot line residential units shall be 50 percent.
- g. No more than eight dwelling units shall be allowed in each row of townhouses. At least 30 feet shall separate two townhouse "rows".
- h. Townhouses shall be constructed without side yards and no windows, doors, or other openings shall face the side except for the outside wall of end units. Zero lot line residences shall be constructed against the lot line on one side of the lot and no windows, doors, or other openings shall face this side. Where adjacent zero lot line dwellings are not constructed against a common lot line, the builder or developer must provide for a perpetual wall maintenance easement of 5 feet in width along the adjacent lot and parallel with such wall.
- i. Each townhouse and zero lot line unit shall have two off-street parking spaces.
- j. Mobile homes shall not be considered to be townhouses or zero lot line houses in any manner whatsoever.

Townhouse and zero lot line dwelling units on individual lots are permitted as of right or conditionally in certain zoning districts (see Table 1 in Section 111) where a protected environment exists for residential use can be provided. Development of townhouse or zero lot line dwellings shall comply with the following provisions:

1. Maximum density shall be based on the following capacity for the zoning district in which the project is located (i.e., 1,000 units per lot in the R-2 and R-3 districts; and 4,000 units per lot in the R-4 district).
2. Minimum lot width shall be 35 feet for each townhouse unit; and 40 feet for each zero lot line unit.
3. Minimum front yard setback shall be the same as for the zoning district in which the project is located.
4. Minimum rear yard setback shall be 30 feet for townhouse and zero lot line developments.
5. Minimum side yard setback shall be 15 feet for townhouse and units, and none required for zero lot line units. Town lot line units shall have no minimum yard requirements on one side, and 15 feet on the opposite side. If a yard is provided where none is required, such yard shall be at least five feet wide. At least 15 feet shall separate a zero lot line unit side from the property line of other existing or future types of structures.
6. Maximum lot coverage for townhouse and zero lot line residential units shall be 50 percent.
7. No more than eight dwelling units shall be allowed in each row of townhouses. At least 30 feet shall separate two townhouse "rows".
8. Townhouses shall be constructed without side yards and no windows, doors, or other openings shall face the side except for the outside wall of the unit. (Zero lot line townhouses shall be constructed without the side yard on one side of the lot and no windows, doors, or other openings shall face this side. Where adjacent zero lot line dwellings are not constructed against a common lot line, the builder or developer must provide for a perpetual wall maintenance easement of 5 feet in width along the adjacent lot and parallel with such wall.)
9. Each townhouse and zero lot line unit shall have two off-street parking spaces.
10. Mobile homes shall not be considered to be townhouses or zero lot line houses in any manner whatsoever.

15.0 Solar Energy Access

Because of the existing shortage of conventional energy sources, it has been determined to be in the public interest to encourage the use of solar energy for the heating and cooling of buildings and providing hot water for use in buildings. As a general rule existing zoning regulations for height, setback, and lot density limitations in residential areas are sufficient to permit adequate access to sunlight by each lot without obstruction by adjacent structures. Trees should be planted in such a manner as to prevent the casting of shadows upon solar collectors. However, where existing zoning is insufficient to provide adequate protection from interference by structures, trees or topography, it is the intent of this section to provide adequate protection for the use of solar collectors without at the same time causing undue hardships on the rights of property owners. No guarantee is hereby given that all property within the jurisdiction of this Ordinance is entitled to the full use of solar energy access.

a. Lot and structure dimensional variances:

Variances may be granted by the Board of Adjustment from zone restrictions such as height, setback, and lot density where such variances are necessary to permit unimpaired access to the sun during the hours of 10:00 A.M. to 4:00 P.M. so long as such variances do not interfere with an existing solar collector to any degree or preclude the construction of a solar collector on northerly property within the reasonable vicinity and are not otherwise injurious to adjacent property or the community interest.

If, for the reason of solar orientation, an entire area between two intersecting streets in a block is developed cooperatively or as a unit, all yard regulations may be varied to carry out said purpose, providing that the Zoning Board of Adjustments after public notice and hearing is of the opinion that such a development will not be injurious to adjacent property or the community interest.

In no instance shall the building density of an area be increased beyond the requirements of each individual zoning district for the purpose of solar access.

b. Solar energy collection system protection:

A solar energy collection system shall be a permitted accessory structure in all zoning districts.

When a solar energy collection system is installed on a lot, accessory structures or vegetation on an abutting lot shall not be located so as to block the solar collector's access to solar energy. The portion of a solar collector that is protected is that portion which:

1. is located so as not to be shaded between the hours of 9:00 A.M. and 4:00 P.M. by a hypothetical 12-foot obstruction located on the lot line; and
2. has an area not greater than one-half of the heated floor area of the structure, or the largest of the structures, served.

This subsection does not apply to structures or vegetation existing in an abutting lot at the time of installation of the solar energy collection system, or on the effective date of this ordinance, whichever is later. This subsection controls any structure erected on, or vegetation planted in, abutting lots after the installation of the solar energy collection system.

Because of the existing shortage of conventional energy sources, it has been determined to be in the public interest to encourage the use of solar energy for the heating and cooling of buildings and providing hot water for use in buildings. As a general rule existing zoning regulations for height, setback, and lot coverage limitations in residential areas are sufficient to provide adequate access to sunlight by each lot without obstruction by adjacent structures. There should be no setback in such a manner as to prevent the existing or future use of solar collectors. However, where existing zoning is insufficient to provide adequate protection from interference by structures, from the setback, from the height of the section to provide adequate protection for the use of solar collectors, or at the same time causing undue hardship on the owner of adjacent property, it is guaranteed to hereby state that all provisions of the jurisdiction of laws Ordinance is entitled to the full use of solar energy access.

1. Lot and structure dimensions, setbacks, and other restrictions. Variances may be granted by the Board of Adjustment from these restrictions such as height, setback, and lot coverage where such variances are necessary to permit unimpaired access to the sun during the hours of 10 A.M. to 4:00 P.M. as long as such variance is not inconsistent with the solar collector as any device or structure the construction of a solar collector on another's property within the reasonable expectancy and not otherwise injurious to adjacent property or the community interest. It, for the reason of solar orientation, an entire area between two intersecting streets is a block is developed commercially or as a lot, all yard restrictions may be waived to carry out such purposes, provided that the zoning board of adjustment when giving notice and hearing is of the opinion that such a development will not be injurious to adjacent property or the community interest.

In no instance shall the building height of an area be increased beyond the requirements of each individual zoning district for the purpose of solar access.

2. Solar energy collector system installation. A solar energy collector shall be a permitted accessory structure in all zoning districts.

When solar energy collection system is installed on a lot, accessory structures or vegetation on an existing lot shall not be located so as to block the solar collector's access to solar energy. The position of a solar collector that is protected is that portion which:

1. is located on or not to be shadowed between the hours of 10 A.M. and 4:00 P.M. by a horizontal 15-foot obstruction located on the lot line; and
2. has an area not greater than one-half of the heated floor area of the structure, or the largest of the structures, located.

This subsection does not apply to structures or vegetation existing prior to the date of installation of the solar energy collection system, or on the effective date of this ordinance, whichever is later. This subsection controls any structure erected on, or vegetation planted on, after the installation of the solar energy collection system.

A statement that a solar energy collection system is installed in the lot shall be filed and recorded with the Building Inspector and the date of installation shall be the date of recording.

III

NONCONFORMING SITUATIONS

1. Purpose and Intent

Within the districts established by this Ordinance or amendments that may later be adopted, there exist lots, structures, uses of land and structures, and characteristics of use which were lawful before this Ordinance was adopted or amended, but which would be prohibited, regulated or restricted under the terms of this Ordinance or future amendment. It is the intent of this Ordinance to permit these nonconformities to continue until they are removed, but not to encourage their survival. It is further the intent of this Ordinance that nonconforming situations shall not be enlarged upon, extended or expanded, nor be used as grounds for adding other situations or uses prohibited elsewhere in the same district. A schedule is included for the termination of certain nonconforming situations.

2. Nonconforming Lots of Record

- a. Where the owner of a lot of record does not own and cannot reasonably acquire sufficient adjacent land to enable him to conform to the required open space and other requirements herein prescribed, such lot of record may be used by said owner as a building site provided that the required open space and other provisions conform, as closely as possible, in the opinion of the Board of Adjustment, to the requirements of the Zoning District in which it is located.
- b. Where two or more abutting substandard lots of record are held in one ownership, either legal or equitable, or subsequently come to be held in one ownership, they shall be considered to be a single lot of record for the purpose of this Ordinance, and the provisions of this Ordinance shall not thereafter be circumvented or avoided by the willful sale or conveyance of a part of any such lot of record.

3. Extension or Enlargement of Nonconforming Situations

Except as specifically provided below, it shall be unlawful for any person to engage in any activity that causes an increase in the extent of nonconformity of a nonconforming situation.

- a. A nonconforming use may be extended throughout any portion of a completed building that, when the use was made nonconforming by this Ordinance, was manifestly designed or arranged to accommodate such use. However, a nonconforming use may not be extended to additional buildings or to land outside the original building except in accordance with Section ____ (Completion of Nonconforming Projects) of this Ordinance.
- b. Subject to Section III-6 (Completion of Nonconforming Projects) of this Ordinance, a nonconforming use of open land may not be extended to cover more land than was occupied by that use when it became nonconforming.
- c. Physical alteration of structures or the placement of new structures on open land are unlawful if they result in:
 1. An increase in the total amount of space devoted to a nonconforming use;
 2. Greater nonconformity with respect to dimensional restrictions such as yard requirements, height limitations or density requirements; or

3. The enclosure of previously unenclosed areas, even though those areas may have been used in connection with the nonconforming activity. An area is unenclosed unless at least seventy-five percent (75%) of the perimeter of the area is marked by a permanently constructed wall or fence.
- d. Minor repairs to and routine maintenance of property where nonconforming situations exist are permitted and encouraged. Major renovation or work estimated to cost more than ten percent (10%) of the appraised value of the structure to be renovated, and not required by the partial or total destruction of the structure, may be done pursuant to a special use permit issued by the Board of Adjustment. The Board shall issue such a permit if it finds that the work will not result in a violation of the provisions of this section or make the property more incompatible with the surrounding neighborhood.
- e. Notwithstanding subsection (c.) above, any structure used for single family residential purposes and maintained as a nonconforming use may be replaced with a similar structure of a larger size, so long as the replacement does not create new nonconformities or increase the extent of existing nonconformities with respect to yard and setback requirements. In particular, a mobile home may be replaced with a larger mobile home, and a "single wide" mobile home may be replaced with a "double wide". This paragraph is subject to subsection III-4 (Abandonment and Discontinuance Situations).
- f. A structure that is nonconforming in any respect or a structure that is used in a nonconforming manner may be reconstructed or replaced if partially or totally destroyed, subject to the following restrictions:
 1. The total amount of space devoted to a nonconforming use may not be increased, except that a larger single family residence (including mobile home) may replace a smaller one.
 2. The reconstructed structure may not be more nonconforming with respect to dimensional restrictions such as yard, height or density requirements, and such dimensional nonconformities must be eliminated if that can be reasonably accomplished without unduly burdening the reconstruction process or limiting the right to continue the nonconforming use of such structure.
 3. The reconstructed structure may not enclose areas that were previously unenclosed, even though those areas were in connection with the nonconforming activity. An area is unenclosed unless at least seventy-five percent (75%) or more of the perimeter of the area is marked by a permanently constructed wall or fence.
 4. Except for single family residences (including mobile homes) if the estimated cost of the reconstruction work exceeds ten percent (10%) of the appraised value of the structure, the work may be done only after the issuance of a special use permit by the Board of Adjustment. The Board shall issue the permit if it finds that the work will be done in accordance with the provisions of this subsection and that the reconstructed structure will not make the property more incompatible with the surrounding property than it was before the destruction occurred.

4. Abandonment and Discontinuance of Nonconforming Situations

When a nonconforming situation is discontinued for a consecutive period of one hundred and eighty (180) days, or discontinued for any period of time without a present intention to reinstate the nonconforming use, the property involved may thereafter be used only for conforming purposes, unless the Board of Adjustment issues a special use permit to allow another nonconforming use upon finding that:

- a. The nonconforming use has been discontinued for less than two (2) years.
- b. The discontinuance resulted from factors that, for all practical purposes, were beyond the control of the person maintaining the nonconforming use.

If the principal activity on property where nonconforming situations other than a nonconforming use exists is discontinued for a consecutive period of one hundred and eighty (180) days, or discontinued for any period of time without a present intention of resuming that activity, then the property may thereafter be used only in conformity with all the regulations applicable to the district in which the property is located, unless the Board of Adjustment issues a special use permit to allow the property to be used (for a conforming purpose) without correcting the nonconforming situation. The Board shall issue a permit if it finds that:

- a. The nonconforming situation cannot be corrected without undue hardship or expense.
- b. The nonconforming situation is of a minor nature that does not adversely affect the surrounding property or the general public to any significant extent.

For purposes of determining whether a right to continue a nonconforming situation is lost pursuant to the provisions of this subsection, all of the buildings, activities and operations maintained on a lot are generally to be considered as a whole. For example, the failure to rent one (1) apartment in a nonconforming apartment building shall not result in a loss of the right to rent that apartment unit thereafter so long as the apartment building as a whole is continuously maintained. But if a nonconforming use is maintained in conjunction with a conforming use, discontinuance of a nonconforming use for the required period shall terminate the right to maintain it thereafter.

When a structure or operation made nonconforming by this Ordinance is vacant or discontinued at the effective date of this Ordinance, the one hundred and eighty (180) day period for purposes of this subsection begins to run at the effective date of this Ordinance.

5. Change in Kind of Nonconforming Use

If a nonconforming use exists on the effective date of this Ordinance that would not be allowed under the terms of this Ordinance, the nonconforming use may be continued so long as it remains otherwise lawful, subject to Section III-7 below and the following provisions:

- a. A nonconforming use may be changed to a conforming use. Thereafter, the property may not revert to a nonconforming use.

- b. A nonconforming use may be changed to another nonconforming use only in accordance with a special use permit issued by the Board of Adjustment. The Board shall issue the permit if it finds that the proposed use will be more compatible with the surrounding neighborhood than the use in operation at the time the permit is applied for. If a nonconforming use is changed to any use other than a conforming use without obtaining a special use permit pursuant to this subsection, that change shall constitute a discontinuance of the nonconforming use, with consequences as stated in Section III-4 (Abandonment and Discontinuance of Nonconforming Situations).

If a nonconforming use and conforming use, or any combination of conforming and nonconforming uses, or any combination of nonconforming uses exist on one lot, the use made of the property may be changed substantially (except to a conforming use) only in accordance with a special use permit issued by the Board of Adjustment. The Board shall issue such a permit if it finds that the proposed use will be more compatible with the surrounding neighborhood than the use or combination of uses in operation at the time the permit is applied for.

6. Completion of Nonconforming Projects

Projects made nonconforming by provisions of this Ordinance or amendments thereto may be completed if a valid building permit was issued or substantial expenditures were made, prior to the effective date of this Ordinance or subsequent amendments thereto. The purchase of property for speculation shall not be considered a substantial expenditure under these provisions.

7. Termination of Nonconforming Situations

Certain nonconforming situations shall be terminated after a sufficient period of time has allowed them to amortize. The following schedule was devised after careful consideration of :

- a. Degree of neighborhood disruption caused by the nonconformity;
- b. Period of amortization; and
- c. Practicalities of this Ordinance enforcement.

The amortization period shall begin on the effective date of this Ordinance.

After the amortization period has elapsed, the Building Inspector shall order the nonconforming situation owner to cease, and the property shall thereafter be used only for conforming purposes.

Within ninety (90) days after the effective date of this Ordinance, the Building Inspector or agent shall notify all property owners affected by this subsection copies of this subsection by registered mail.

The amortization period stated in the schedule may be extended by the Board of Adjustment for one (1) calendar month for each one hundred dollars (\$100.00) of the owner's unused investment in the nonconforming situation. The term "unused investment" shall mean the original actual dollar cost for federal income tax purposes, all as certified in writing at the request of the owner by a certified public accountant.

4. A concentration use may be changed to another nonconforming use only in accordance with a standard use permit issued by the Board of Adjustment. The Board shall issue the permit if it finds that the proposed use will be more compatible with the surrounding area than the existing use is at the time the permit is issued. If a concentration use is changed to any use other than a standard use without obtaining a permit, the Board shall consider the use to be a standard use. The Board shall also consider a change of use to be a standard use if the proposed use is more compatible with the surrounding area than the existing use is at the time the permit is issued.

If a nonconforming use and structure are, or are considered to be, a hazard to the public health, safety, or general welfare, the Board of Adjustment may, at its discretion, order the owner to remove the structure or to alter the use of the structure. The Board shall issue the permit if it finds that the proposed use will be more compatible with the surrounding area than the existing use is at the time the permit is issued.

6. Continuation of Nonconforming Use

Projects such as remodeling or alterations to existing structures or structures may be continued if a valid building permit was issued for the project. The Board shall issue the permit if it finds that the proposed use will be more compatible with the surrounding area than the existing use is at the time the permit is issued.

7. Termination of Nonconforming Use

Certain nonconforming structures shall be terminated after a specified period of time has elapsed from the date of the Board's decision. The following structures are subject to termination:

- a. Signs of advertising or other commercial nature.
- b. Signs of advertising or other commercial nature.
- c. Structures of other than a standard use.

The termination period shall begin on the date of the Board's decision.

After the termination period has expired, the structure shall be removed. The owner shall be responsible for the removal of the structure. The Board shall issue the permit if it finds that the proposed use will be more compatible with the surrounding area than the existing use is at the time the permit is issued.

Within sixty (60) days after the expiration date of this ordinance, the Board shall issue a permit to the owner of the structure if it finds that the proposed use will be more compatible with the surrounding area than the existing use is at the time the permit is issued.

The termination period shall begin on the date of the Board's decision. The Board shall issue the permit if it finds that the proposed use will be more compatible with the surrounding area than the existing use is at the time the permit is issued. The Board shall also consider a change of use to be a standard use if the proposed use is more compatible with the surrounding area than the existing use is at the time the permit is issued.

8. Nonconforming Situation Amortization Schedule

<u>Nonconforming Situation</u>	<u>Amortization Period</u>
Dimensional nonconformity (yard, height, area, etc.), all districts	None
Outdoor storage of materials, merchandise, junk, scrap, salvage, etc. in R-20, R-12, R-9, R-7, B-1, B-2, O-I, O-S districts	Three (3) years
Nonconforming signs in R-20, R-12, R-9, R-7, B-1, B-2, O-I, O-S districts	Three (3) years
Nonconforming temporary and portable signs in all districts	Six (6) months

9. Nonconforming Signs-Additional Regulations

In addition to the above amortization period, all nonconforming signs in all zoning districts shall comply with the following:

- No nonconforming sign shall have any changes made in the message displayed on the sign unless the sign is specifically designed for periodic change of message.
- No nonconforming sign shall be structurally altered so as to change the shape, size, type, or design of the sign, nor shall any nonconforming sign be relocated, unless such move shall create a conforming situation.
- No nonconforming sign shall be allowed to remain after the activity, business, or use to which it relates has been discontinued.
- If a nonconforming sign is damaged in such a manner that the estimated expense of repairs exceeds fifty percent (50%) of its replacement value, the sign shall not be allowed to remain as a nonconformity.

IV CONDITIONAL USES

1.0 Objective and Purpose

The Zoning Ordinance is based on the division of the City and its zoning jurisdiction into districts within which the use of land and buildings, and the bulk and location of structures in relation to the land are substantially uniform. It is recognized, however, that there are some land uses which are basically in keeping with the intent and purpose of the district where permitted, but which may have an impact on the area around them which can only be determined by review of the specific proposals. These uses may be established, under certain conditions and with proper controls on site development, in such a manner as to minimize any adverse affects. In order to ensure that these uses, in their proposed locations would be compatible with surrounding development and in keeping with the purpose of the district in which they are located, their establishment shall not be as a matter of right, but only after review and approval of a conditional use permit.

The uses for which special use permits are required are listed in the Table of Regulations for Conditional Uses, Section IV-3, along with a description of the procedures and standards which must be followed in the issuance of a permit.

2.0 Procedure for Approval of Conditional Use Permits

A conditional use permit may be issued by the Board of Adjustment for the uses designated in the Table of Regulations for Conditional Uses, Section IV-3. Prior to rendering a decision on the issuance of a conditional use permit, the Board of Adjustment shall hold a public hearing. Each application for a special use permit shall be made upon forms provided by the City of Rockingham, and shall be filed with the Clerk to the Board of Adjustment at least ten (10) days prior to the public hearing date.

Upon receipt of the application, the Clerk to the Board shall prepare a notice of public hearing to be posted on the property for which the conditional use permit is sought and advertised. The Planning Department shall review all applications and present its recommendations to the Board of Adjustment. Other applicable agencies may be asked to comment on the application prior to the public hearing. The Clerk to the Board shall also notify by mail all property owners within two hundred (200) feet of the applicant's notice of the public hearing.

Either the applicant or a designated agent may present the proposal and its merits at the public hearing.

After the public hearing where the applicant, supporting and opposing testimonies are heard, the Board of Adjustment may grant or deny the conditional use permit requested. The conditional use permit if granted, shall include approval of such plans as may be required. In granting the permit, the Board of Adjustment shall find:

- a. That the use will not materially endanger the public health or safety if located where proposed and developed according to the plans as submitted.
- b. That the use meets all the required conditiona and standards.

- c. That the use will not substantially injure the value of adjacent or abutting properties, or that the use is a public necessity.
- d. That the location and character of the use, if developed according to the plan as submitted and approved, will be in harmony with the area in which it is to be located and in general conformity with the plan of development of the City of Rockingham and its jurisdictional area.

In granting the conditional use permit, the Board of Adjustment may designate such conditions, in addition and in connection therewith, as will, in the Board's opinion, assure that the proposed use will be harmonious with the area in which it is to be located. All such conditions shall be entered into the minutes of the Board of Adjustment and on the permit and the plans submitted therewith. All conditions shall run with the land and shall be binding on the original applicants, their heirs, successors, and assigns. (Except in the case of temporary permits, the duration of which shall be stated within the conditions.)

In the event of failure to comply with the plans approved by the Board, or with any conditions imposed upon the conditional use permit, the permit shall thereupon become void and of no effect. No building permits for further construction or certificates of occupancy under the conditional use permit shall be issued, and the use of all completed structures shall immediately cease and not thereafter be used for any purpose other than use-by-right as permitted in the zoning district in which the property is located.

Modifications of the original approved plans and/or attached conditions may be made by the Board.

If the Board of Adjustment denies the Conditional use application, the reasons therefore shall be entered into the minutes of the meeting.

3.0 Table of Regulations for Conditional Use Permits

The uses for which conditional use permits are required and detailed regulations and standards for the conditional uses subject to this Section are set forth in the following pages. In addition to the requirements contained herein, conditional uses shall comply with the area, height, parking, and other regulations applicable in the zoning district in which they are located, unless specifically covered by the following standards or by conditions attached by the Board.

3.1 Cemetery

Permitted Districts: Cemeteries are permitted as conditional uses in all zoning districts except the O-S Open Space zone.

Lot Size: A cemetery shall contain at least fifteen (15) acres of land.

Building Height: No structure shall exceed thirty-five (35) feet in height.

Structure Location: No structure permitted by these standards shall be located closer than one-hundred (100) feet to any abutting residential structure, or any structure for public use.

Access: There shall be one (1) access point to a cemetery. Such access shall be by way of a private drive extending from a public street and of sufficient width to accommodate two-way vehicular traffic. A gate or other means of closing the entrance shall be provided.

Landscaping and Buffers: A perimeter buffer strip of fifty (50) feet shall be maintained around the entire cemetery. No burial sites, decorations, or structures shall occupy this buffer strip.

Hours of Operation: Cemeteries shall be open only during daylight hours. The entrance shall be closed and locked at night.

Structures Permitted: Chapels, mortuaries, undertaking establishments, crematoriums, mausoleums, and sales and administrative offices are permitted within a cemetery provided that they are located in a single structure.

Plan Requirements: The applicant shall provide a site plan, drawn to scale, showing the following:

- a. The dimensions and size of the site and easements, with its relation to surrounding properties.
- b. The location, size, spacing and dimensions of all existing and proposed buildings, structures, improvements, and utilities.
- c. Landscaping plan showing compliance with Section V-3.
- d. Existing and proposed vehicular access, internal drives, and parking layout with dimensions.
- e. Location of burial sites.

Permitted Disturbance: Cometary are permitted as conditional uses in all zoning districts except the Old Town District.

Lot Size: A cometary shall contain at least fifteen (15) acres of land.

Building Height: No structure shall exceed thirty-five (35) feet in height.

Structure Location: No structure permitted by these standards shall be located closer than one hundred (100) feet to any existing residential structure, or any structure for public use.

Access: There shall be one (1) access point to a cometary. Such access shall be by way of a private drive extending from a public street and of sufficient width to accommodate two-way vehicular traffic. A gate or other means of closing the entrance shall be provided.

Landscaping and Buffers: A landscaped buffer strip of five (5) feet shall be maintained around the entire perimeter. No burial sites, decorations, or structures shall occupy this buffer strip.

Hours of Operation: Cometary shall be open only during daylight hours. The entrance shall be closed and locked at night.

Structures Permitted: Burial vaults, crematoriums, monuments, mausoleums, and other structures permitted by the zoning code shall be permitted in a cometary provided that they are located on a site of at least five acres.

Plan Requirements: The applicant shall provide a site plan, showing the following:

- The dimensions and size of the site and surrounding area, and the location of surrounding properties.
- The location, size, and use of all structures and buildings, including any existing structures.
- Landscaping plan showing trees, shrubs, and other vegetation.
- Existing and proposed vehicular access, including any new, existing, or proposed access.
- Location of burial sites.

2 Day Care Center, Nursery, Kindergarten

Permitted District: Day care centers are permitted in all zoning districts except the O-S Open Space district.

Dimensional Requirements: A day care center shall comply with the lot, yard, and height requirements of the zoning district in which the facility is located.

Parking and Loading: Off-street parking and loading requirements shall comply with Sections VI and VII, respectively.

Signs: Signs shall be in compliance with Section VIII.

Landscaping and Buffers: Where any outdoor play area is directly adjacent to a residentially zoned or developed lot, a solid fence or wall at least six (6) feet, or an open fence at least four (4) feet in height with a screen planting of six (6) feet in height shall be installed. Vegetative material shall need the required height within two (2) growing seasons.

The Board of Adjustment may require additional screening to be located adjacent to abutting non-residential properties.

Other Requirements: Each day care facility shall be located in an area which is free from conditions dangerous to the physical and moral welfare of the children.

There should be twenty five (25) square feet of indoor space per child. Closets, corridors, kitchens, and baths will be excluded in determining compliance with this requirement.

There shall be seventy-five (75) square feet of outdoor play area per child. The outdoor play area shall be located in the rear yard.

Plan Requirements: The applicant shall provide a site plan, drawn to scale, showing the following:

- a. The dimensions and size of the site and easements, with its relation to surrounding properties.
- b. The location, size, spacing and dimensions of all existing and proposed buildings, structures, improvements, and utilities.
- c. Landscaping plan showing compliance with Section V-3.
- d. Existing and proposed vehicular access, internal drives, and parking layout with dimensions.
- e. Detailed floor plan showing size and use of each room.

3 Duplex and Multi-Family Residential Housing

Permitted District: Duplex and multi-family residential development may be permitted as a conditional use in the R-9 zoning district.

Dimensional Requirements: The dimensional requirements for duplex and multi-family residential development, as a conditional use, shall be the same as those for the zoning district in which the property is located; except that the maximum allowable density may be increased to 4,500 square feet per dwelling unit in the R-9 zoning district.

Location within Zoning District: It is the intent of this subsection to provide a buffer between intense land uses and low density single-family residences. To that extent the Board of Adjustment may permit conditionally a higher density of housing at the fringe of a low density residential zone where it abuts more intense and/or incompatible land uses. The Board may further permit such moderate density housing near the intersection of two major streets where highway traffic may not be conducive to single family residential development.

Parking and Loading: Off-street parking and loading requirements shall be in compliance with Sections VI and VII, respectively.

Landscaping and Buffers: Duplex and multi-family development as a conditional use shall comply with the landscaping and buffer requirements of Section V. In addition, the Board of Adjustment may require a vegetative buffer strip or screen where this proposed development abuts low density existing or future housing.

Other Requirements: No more than one duplex structure shall be located on a single lot. Multi-family development permitted conditionally shall have no more than one structure on a single lot. No multi-family development permitted conditionally shall have more than eight (8) units per structure.

Plan Requirements: The applicant shall provide a site plan, drawn to scale, showing the following:

- a. The dimensions and size of the site and easements, with its relation to surrounding properties.
- b. The location, size, spacing and dimensions of all existing and proposed buildings, structures, improvements, and utilities.
- c. Landscaping plan showing compliance with Section V-3.
- d. Existing and proposed vehicular access, internal drives, and parking layout with dimensions.

Permitted District: Duplex and Multi-Family Residential Zoning District
Permitted as a conditional use in the Duplex and Multi-Family Residential Zoning District.

Dimensional Requirements: The dimensional requirements for duplex and multi-family residential development, as a conditional use, shall be the same as those for the zoning district in which the property is located, except that the maximum lot coverage density may be increased to 4,000 square feet per acre, and the minimum lot area may be decreased to 4,000 square feet per acre.

Location within Zoning District: It is the intent of this ordinance to provide a buffer between intense land uses and the Duplex and Multi-Family Residential Zoning District. To that extent, the Board of Adjustment may require a minimum lot area of housing at the front of a lot, and a minimum lot area of 4,000 square feet. The Board may also require a minimum lot area of 4,000 square feet for duplex and multi-family residential development, and a minimum lot area of 4,000 square feet for duplex and multi-family residential development.

Parking and Loading: Off-street parking and loading requirements shall be in compliance with Section 17.01 and 17.02.

Landscaping and Buffers: Duplex and Multi-Family Residential Development shall comply with the landscaping and buffer requirements of Section 17.03. In addition, the Board of Adjustment may require a minimum lot area of 4,000 square feet for duplex and multi-family residential development, and a minimum lot area of 4,000 square feet for duplex and multi-family residential development.

Other Requirements: To meet the intent of this ordinance, the Board may require a minimum lot area of 4,000 square feet for duplex and multi-family residential development, and a minimum lot area of 4,000 square feet for duplex and multi-family residential development. The Board may also require a minimum lot area of 4,000 square feet for duplex and multi-family residential development, and a minimum lot area of 4,000 square feet for duplex and multi-family residential development.

Plan Requirements: The applicant shall provide a site plan, drawn to scale, showing the following:

- a. The dimensions and area of the lot, and the location of the lot within the zoning district.
- b. The location, area, and dimensions of all existing and proposed buildings, structures, and facilities.
- c. Landscaping and buffer requirements, showing the location of the landscaping and buffer requirements.
- d. Existing and proposed parking spaces, vehicle access, and loading layout with dimensions.

Emergency Services

Permitted Districts: Emergency service facilities are permitted as a conditional use in all residential zoning districts.

Dimensional Requirements: Emergency service facilities shall comply with the yard, lot, and height requirements of the district in which they are located.

Landscaping and Buffers: The Board of Adjustment may require a vegetative buffer and/or screen as it deems necessary to retain the character of the affected zoning district.

Plan Requirements: The applicant shall provide a site plan, drawn to scale, showing the following:

- a. The dimensions and size of the site and easements, with its relation to surrounding properties.
- b. The location, size, spacing and dimensions of all existing and proposed buildings, structures, improvements and utilities.
- c. Landscaping plan showing compliance with Section V-3.
- d. Existing and proposed vehicular access, internal drives, and parking layout with dimensions.

5 Flammable or Toxic Chemicals: Bulk Storage Above Ground

Permitted Districts: Above ground bulk storage facilities for toxic and flammable chemicals are permitted as conditional uses in the I-1 and I-2 Industrial zoning districts.

Dimensional Requirements: The minimum lot area, width and setback requirements shall be the same as for the I-1 Light Industrial district, unless provided otherwise herein. No tank constructed above ground, nor basin or dyke, nor truck loading dock shall be located closer than twenty (20) feet to a property or street right-of-way line.

Parking and Loading: Off-street parking and loading areas shall be provided as required by Section VI and VII, respectively. Vehicular access to the facility shall be provided in such a manner so as not to require the use of residential streets.

Landscaping and Buffers: Landscaping and buffers shall be provided as required by Section V. In all instances, a six (6) foot high chain link fence shall be provided to completely enclose the loading and storage facilities.

Other Requirements: The proposed storage and loading facilities as well as any warehousing structures shall conform to the requirements of the 1976 Fire Prevention Code, as amended, and recommended by the American Insurance Association for governing conditions hazardous to life and property from fire. Where the provisions of the Fire Prevention Code conflict with the requirements of this Ordinance or other applicable codes, the more restrictive shall apply.

All tanks constructed above ground shall be surrounded by a dyke which forms a basin equal to the capacity of the tank.

Plan Requirements: The applicant shall provide a site plan, drawn to scale, showing the following:

- a. The dimensions and acreage of the site and its relation to surrounding properties.
- b. The layout of the entire project including the location of buildings, storage tanks, loading facilities, pumps and other apparatus. The plan shall show the storage tank location, diameter, height and storage capacity as well as the location, height, storage capacity and method of construction of dyke systems. A statement of the fuels to be stored in each tank shall be included on the plan.
- c. The location and layout of all off-street parking and loading spaces, and the location of points of entry and exit for vehicles and the internal vehicular circulation pattern.
- d. The location of existing and proposed plantings and screenings, indicating compliance with Section V.
- e. Title, north arrow, scale, names of surveyor, owner, developer, and the date of preparation of the plan.

6 Flammable or Toxic Chemicals: Bulk Storage Below Ground

Permitted Districts: Underground bulk storage facilities for toxic and flammable chemicals are permitted as conditional uses in the B-3 Highway Business zoning districts.

Dimensional Requirements: The minimum lot area, width and setback requirements shall be the same as for the zoning district in which the facility is located, unless provided otherwise herein. All storage tanks, loading facilities, pumps and other appurtenances shall be located at least twenty (20) feet from any exterior property line.

Parking and Loading: Off-street parking and loading areas shall be provided as required by Section VI and VII, respectively.

Vehicular access to the storage facility shall be provided in such a manner so as not to require the use of residential streets.

Landscaping and Buffers: Landscaping and buffers shall be provided as required by Section V. In all instances, a six (6) foot high chain link fence shall be provided to completely enclose the loading and storage facilities.

Other Requirements: All storage tanks shall be located below ground level and not within the interior of any building.

The proposed storage and loading facilities as well as any warehousing structures shall conform to the requirements of the 1976 Fire Prevention Code, as amended, and recommended by the American Insurance Association for governing conditions hazardous to life and property from fire. Where the provisions of the Fire Prevention Code conflict with the requirements of this Ordinance, or other applicable codes, the more restrictive shall apply.

Plan Requirements: The applicant shall provide a site plan drawn to scale, showing the following:

- a. The dimensions and acreage of the site and its relation to surrounding properties.
- b. The layout of the entire project including the location of buildings, storage tanks, loading facilities, vent pipes, pumps, and other apparatus. The plan shall include cross-sectional drawings of the storage tanks, distribution lines and loading facilities, including the method of tie-down or anchoring, the depth below ground surface, and the size of lines and other fixtures.
- c. The location and layout of all off-street parking and loading spaces, and the location of points of entry and exit for vehicles and the internal vehicular circulation pattern.
- d. The location of existing and proposed plantings and screenings, indicating compliance with Section V.
- e. Title, north arrow, scale, names of owner, developer, surveyor, and the date of preparation of the plan.

8 Group Home

Permitted Districts: Group homes are permitted as a conditional use in all residential zoning districts and the B-2 Central Business zoning district.

Dimensional Requirements: A group home shall comply with the lot, yard, and height requirements of the district in which such facility is located.

Parking and Loading: Off-street parking and loading requirements shall comply with Sections VI and VII respectively.

Landscaping and Buffers: The Board of Adjustment may require a vegetative buffer and/or screen as it deems necessary to retain the character of the affected zoning district.

Other Requirements: Group care facilities shall be allowed only when licensed by the appropriate State or local agency. If such licensing is contingent upon the approval of the City of Rockingham, the issuance of a special use permit shall be conditioned upon obtaining the required license within ninety (90) days after approval of the permit.

In order to prevent concentration of group care facilities and the impact of a residential block or neighborhood, the Board of Adjustment shall exercise care in considering a request to establish a group care facility. In no instance shall the Board approve a proposed group care facility which will be located within eight hundred (800) feet of another such facility or similar institution.

No group care facility shall have clients who are severely mentally retarded, who have demonstrated a known pattern of violence, or who have demonstrated psychotic behavior.

The applicant shall provide a written statement addressing each of the following items:

- a. The number of staff personnel to reside in the facility and their backgrounds and qualifications.
- b. The number of individuals to be housed in the facility (not counting the staff personnel) and their backgrounds, ages, sex, etc. If this information is not known, the applicant shall explain the purpose of the facility and the handicap (if any) of the individuals who will reside there.
- c. The estimated length of stay of individuals in the facility.
- d. The intake criteria which have been or will be used in screening the persons who will live in and benefit from the facility.

The applicant shall provide a floor plan of the group care facility, drawn to scale, and showing the use and dimensions of each room and the location of entrances and exits.

The applicant shall also provide a site plan, drawn to scale, and showing clearly the following:

- a. The dimensions and acreage of the site and its relation to surrounding properties.

- b. The layout of the entire project including the proposed use and location of all buildings.
- c. The location and dimensions of present and proposed streets and private drives, and pedestrian facilities.
- d. The location of points of entry and exit for motor vehicles and the internal vehicular circulation pattern.
- e. The location and layout of all off-street parking and loading spaces, including the number of spaces shown and required for each use.

Other Requirements: A home occupation shall be conducted in a structure:

1. a dwelling unit;

2. a converted garage on a residential property;

a structure related to the use of the dwelling unit, which is not a separate building, and which is not a detached garage or other structure.

Home occupations shall be limited to residential property which is not a commercial property, and shall be limited to the following:

1. Home occupations shall be limited to the use of the dwelling unit, which is not a separate building, and which is not a detached garage or other structure.

A sign, banner, or advertisement sign, unilluminated, not over four (4) square feet in area, and mounted flat to the wall of the structure is permitted. All other signs or advertisements on the premises are prohibited.

It is prohibited to alter the appearance of the structure or property by alteration, or the installation of a structure in a manner which would cause the premises to differ from its residential character. This includes use of color, materials, construction, lighting, signs, and the emission of noises, odors, vibrations, fumes, or electronic interference.

The home occupation shall not involve the routine use of commercial vehicles for delivery of materials to or from the premises. No commercial vehicle larger than a pick-up truck or van shall be used in connection with the home occupation, nor parked on the property.

Outside storage and accessory structures for storage shall not be permitted.

No traffic shall be generated by a home occupation in a greater volume than would normally be expected in a residential neighborhood. Any necessary parking shall be provided off the street.

Upon complaint to the Board of Adjustment from any resident or property owner within four hundred (400) feet of an operating home occupation, the Board shall review the complaint and may conduct a properly advertised public hearing to determine if the home occupation is being conducted in accordance with this Section as well as with any conditions attached to the Board. The Board may then affirm, modify, or deny the complaint.

8 Home Occupation

Permitted Districts: Home occupations are permitted as a conditional use in all residential districts.

Dimensional Requirements: A home occupation shall comply with the lot, yard, and height requirements of the district in which the facility is located.

Parking and Loading: Off-street parking and loading requirements shall comply with Sections VI and VII, respectively.

Landscaping and Buffers: Home occupations are exempt from all landscaping requirements because they are secondary to the residential, primary use.

Other Requirements: A home occupation shall be conducted in either:

1. a dwelling unit;
2. a converted garage on a residential lot, or;
3. a structure attached to the rear of the dwelling unit, which is an integral part of the dwelling from an appearance and construction standpoint.

A home occupation shall be conducted on residential property which is the bona fide residence of the principal practitioner.

No more than one person other than those residing in the home shall be engaged in the occupation.

A professional or announcement sign, unilluminated, not over four (4) square feet in area, and mounted flat to the wall of the structure is permitted. All other signs or advertising on the premises is prohibited.

In no way shall the appearance of the structure or property be altered, or the occupation conducted in a manner which would cause the premises to differ from its residential character. This includes use of color, materials, construction, lighting, signs; and the emission of noises, odors, vibrations, fumes, or electronic interference.

The home occupation shall not involve the routine use of commercial vehicles for delivery of materials to or from the premises. No commercial vehicle larger than a pick-up truck or van shall be used in connection with the home occupation, nor parked on the property.

Outside storage and accessory structures for storage shall not be permitted.

No traffic shall be generated by a home occupation in a greater volume than would normally be expected in a residential neighborhood. Any necessary parking shall be provided off the street.

Upon complaint to the Board of Adjustment from any resident or property owner within four hundred (400) feet of an operating home occupation, the Board shall review the complaint and may conduct a properly advertised public hearing to determine if the home occupation is being conducted in accordance with this Section as well as with any conditions attached by the Board. The Board may then affirm, modify, or deny the conditional use permit.

Mobile Home as a Secondary Temporary Dwelling Unit on a Single Residential Lot

Permitted Districts: A mobile home as a temporary additional dwelling unit on the same single lot as the principal dwelling may be permitted as a conditional use in all zoning districts except the R-12 residential zones.

Dimensional Requirements: A mobile home as a temporary additional dwelling unit on a residential lot shall be located to the rear of the principal structure. It shall be located so that the mobile home is no closer than fifteen feet from any property line, and thirty feet from the principal residence. On corner and through lots, the front yard setback requirements shall be met along all street rights-of-way lines.

Other Requirements: This permit shall be granted upon verification of a unique, temporary, personal and/or family hardship. The mobile home shall be used to house members of the family of the principal dwelling, and shall not be rented, leased, or otherwise assigned.

This permit shall only be granted to the owner of a traditional single family residence and not a townhouse, zero lot line, duplex, or multi-family structure.

This temporary permit shall be valid for one year, and may be renewed upon annual review if justification for its continuance is shown.

The Board of Adjustment shall take into account the adverse effect, if any, of this temporary use on its neighbors; the public safety and welfare; the necessity of the use; and other relevant factors in the particular circumstances.

Upon complaint to the Board of Adjustment from any person within four hundred (400) feet of such approved temporary use, the Board of Adjustment shall properly advertise and hold a public hearing to determine if the temporary use has been conducted in accordance with the provisions of this section as well as any other conditions established by the Board of Adjustment. The Board of Adjustment after holding the necessary public hearing, may approve, modify, suspend or deny the special use permit for this temporary use.

0 Single Mobile Homes

Permitted District: A mobile home as a permanent single family residence may be permitted as a conditional use in the R-7 Residential zoning district.

Dimensional Requirements: Single mobile homes permitted as a conditional residential use shall comply with all the dimensional requirements of the R-7 zoning district.

Parking and Loading: Single mobile homes permitted as a conditional residential use shall comply with the parking and loading requirements of the R-7 zoning district.

Landscaping and Buffers: Single mobile homes permitted as a conditional use shall comply with the landscaping and buffer requirements of the R-7 zoning district.

Other Requirements: Single mobile homes shall be situated on the lot, anchored, underpinned, and shall meet other requirements as specified in Section XIII of this Ordinance.

11 Multi-Family Dwellings - More than one structure and/or more than 8 units

Permitted District: Large scale multi-family dwelling developments are permitted as a conditional use in the R-7 Residential and B-2 Central Business zoning districts.

Dimensional Requirements: Large scale multi-family dwelling developments shall comply with the lot, yard, and height requirements of the district in which the development is located, unless otherwise provided herein or by the Board of Adjustment.

Parking and Loading: Off-street parking and loading requirements shall comply with Sections VI and VII, respectively.

Landscaping and Buffers: Landscaping and buffering shall include at twenty (20) foot buffer strip adjacent to all railroad rights-of-way, limited access highways, and commercial and industrial uses or zoning districts. The buffer strip shall be planted with evergreen or deciduous trees spaced not more than fifty (50) feet apart and supplemented with grass and shrubs to effectively screen the view of adjacent properties from the use(s) within the subject property. The Board of Adjustment may require additional landscaping to insure a safe and healthy residential environment.

Other Requirements: Individual structures shall be separated by at least thirty (30) feet end-to-end, and fifty (50) feet in all other configurations.

No multi-family structure shall be more than two hundred (200) feet in length.

There shall be provided a minimum of three hundred (300) square feet of usable open space for each multi-family unit. Such open space shall be improved active and passive recreation areas for the use of residents thereof.

Private drives shall allow for public safety vehicles to efficiently maneuver.

Plan Requirements: The applicant shall provide a site plan, drawn to scale, showing the following:

- a. The dimensions and size of the site and easements, with its relation to surrounding properties.
- b. The location, size, spacing and dimensions of all existing and proposed buildings, structures, improvements, and utilities.
- c. Landscaping plan showing compliance with Section V-3.
- d. Existing and proposed vehicular access, proximity of access points to street intersections, internal drives, and parking layout with dimensions.
- e. The number and size of proposed housing units.
- f. Existing and proposed topography at contour intervals of five (5) feet.
- g. Title, north arrow, scale, names of owner, developer and surveyor, date of preparation.

12 Natural Resources Extraction

Permitted Districts: Natural resources extraction may be permitted as a conditional use in all zoning districts.

Dimensional Requirements: No excavation shall take place closer than fifty (50) feet to any property line, street right-of-way line or shore line of any water course.

Any temporary or permanent building used in connection with the operation shall meet the setback requirements of the zoning district in which the property is located. No such building shall be occupied for residential purposes.

Other Requirements: Access to and from the site shall be provided so as to assure that the traffic flow on any adjacent street or highway will not be impeded.

The loading of trucks shall be accomplished in such a way to prevent spillage on any streets or roads.

Upon termination of the operation, all buildings and equipment shall be removed, all excavation areas shall be graded so as to provide for natural drainage, and vegetation shall be planted to prevent erosion.

If more than one (1) contiguous acre is to be uncovered by the extractive operation, no special use permit shall be approved until an erosion and sediment control plan has been approved by the Land Quality Section of the N. C. Department of Natural Resources and Community Development.

Any blasting operations in connection with the use shall be conducted between 8:00 a.m. and 5:00 p.m. Blasting shall be performed in such a manner as to protect neighboring properties from flying debris.

No extractive operation shall interfere with the natural drainage flow of the area, endanger or devalue any surrounding property, or cause undue vibration, noise or wind blown dust or sand.

The entire area of operation shall be enclosed by a six (6) foot fence to make the area inaccessible to the general public.

Plan Requirements: The applicant shall provide a site plan drawn to scale, showing the following:

- a. The dimensions and acreage of the site and its relation to surrounding properties and streets.
- b. The topography of the site at contour intervals of five (5) feet indicating existing contours as well as proposed contours after the excavation has occurred.
- c. The plan for rehabilitation of the site after the excavation, describing the areas to be refilled, topsoiled and seeded.
- d. An estimate of the total volume of soil and other materials to be removed from the site, and the length of time requested to conduct the operation.
- e. All existing utility lines, water courses, and drainage easements.
- f. Title, north arrow, scale, name of owner, surveyor, and the date of plan preparation.

13 Nursing Homes, Homes for the Aged, Orphanages

Permitted Districts: Nursing homes, homes for the aged, and orphanages are permitted as conditional uses in the R-20, R-7, R-7A, and B-2 zoning districts.

Dimensional Requirements: Nursing homes, homes for the aged, and orphanages shall comply with the dimensional height requirements of the district in which the facility is located; provided, however, that no building shall be located closer than seventy-five (75) feet to any property line.

Parking and Loading: Off-street parking and loading requirements shall comply with Sections VI and VII, respectively.

Landscaping and Buffers: Landscaping and buffers shall be provided as required in Section V.

Plan Requirements: The applicant shall provide a site plan, drawn to scale, showing the following:

- a. The dimensions and size of the site and easements, with its relation to surrounding properties.
- b. The location, size, spacing and dimensions of all existing and proposed buildings, structures, improvements, and utilities.
- c. Landscaping plan showing compliance with Section V-3.
- d. Existing and proposed vehicular access, internal drives, and parking layout with dimensions.

14 Pet Boarding, Kennel

Permitted Districts: Pet boarding is permitted as a conditional use in the R-20 , I-1, and I-2 zoning districts.

Dimensional Requirements: The boarding of pets shall comply with the dimensional requirements of the district in which the facility is located; provided, however, that pen, run or other enclosure for animals be closer than two hundred (200) feet from existing or future residences.

Parking and Loading: Off-street parking and loading requirements shall comply with Sections VI and VII, respectively.

Landscaping and Buffers: Landscaping and buffers shall be provided as required in Section V. Buffers shall effectively screen the operation from view of adjacent residences.

Other Standards: A residential dwelling for a caretaker may be closer than two hundred (200) feet to the boarding facility if located on the same lot.

Plan Requirements: The applicant shall provide a site plan, drawn to scale, showing the following:

- a. The dimensions and size of the site and easements, with its relation to surrounding properties.
- b. The location, size, spacing and dimensions of all existing and proposed buildings, structures, improvements, and utilities.
- c. Landscaping plan showing compliance with Section V-3.
- d. Existing and proposed vehicular access, internal drives, and parking layout with dimensions.

5 Public Utility Substations/Stations not Involving Outdoor Storage

Permitted Districts: Public utility substations/stations are permitted as conditional uses in R-20, R-12, R-9, R-7, O-1, B-1, and B-2 zoning districts.

Dimensional Requirements: In any case the setback of any building or structure, or any use instituted, shall be a minimum of twenty-five (25) feet, or the required setbacks of the district, whichever is greater.

Lots and height shall conform to the minimum area and width requirements of the zoning district in which they are located.

Parking and Loading: Off-street parking and loading requirements shall comply with Sections VI and VII, respectively.

Landscaping and Buffers: Portions of properties not used for facilities, parking or related services shall be maintained with grass or other suitable ground cover.

A durable wall, fence or hedge or other natural planting shall be provided along the exterior property lines of any lot within residential or office and institutional districts, and along any exterior property line that adjoins any lot in residential or office and institutional districts. Such wall, fence or hedge shall be at least six (6) feet in height, measured from the ground along the lot lines of adjoining properties. Hedges or comparable natural planting shall be planted at an initial height of at least three (3) feet and shall be of such variety that an average height of six (6) feet could be expected by normal growth with two (2) years from the time of planting.

Where hedges or other natural landscape materials are used, a six (6) foot high chain link fence shall be erected inside the hedge to make the facility inaccessible to the general public.

Other Requirements: Whenever possible, facilities should be located on interior properties, rather than on properties aligned with other lots of continuous street frontage.

The design of buildings, structures and facilities on the site shall conform as closely as possible to the character of the area or neighborhood, so that facilities or structures will not adversely affect the safe and comfortable enjoyment of nearby properties or adversely affect the values of such properties.

Plan Requirements: The applicant shall provide a site plan, drawn to scale, showing the following:

- a. The dimensions and size of the site and easements, with its relation to surrounding properties.
- b. The location, size, spacing and dimensions of all existing and proposed buildings, structures, improvements, and utilities.
- c. Landscaping plan showing compliance with Section V-3.
- d. Existing and proposed vehicular access, internal drives, and parking layout with dimensions.

Recreation Facilities: Public and Non-Profit

Permitted Districts: Public and non-profit recreation facilities may be permitted as a conditional use in the R-20, R-12, R-9, R-7, and R-7A zoning districts.

Dimensional Requirements: The dimensional requirements for public and non-profit recreational facilities as a conditional use shall be the same as for zoning district in which the property is located, unless provided otherwise herein.

Parking and Loading: Off-street parking and loading requirements shall be in compliance with Sections VI and VII, respectively.

Landscaping and Buffers: Public and non-profit recreation facilities as a conditional use shall comply with the landscaping and buffer requirements of Section V. The Board of Adjustment may, in addition, require further landscaping in order to protect the residential character of surrounding properties.

Other Requirements: Noise emanating from the amusement shall be governed by the following provisions:

- a. Every use and activity shall be operated so that regularly recurring noises are not disturbing or unreasonably loud, and do not cause injury, detriment or nuisance to any person.
- b. Every use and activity shall be so operated that regularly recurring noises, as detected by the human sense of hearing, without instruments, at adjoining residential property lines, shall not exceed the normal noise level generated by uses permitted in residential districts.

Lighting, if provided, shall be so designed and located as to be directed away from residential areas or shielded to protect them.

No part of the property so used shall be close enough to any residential district to create a nuisance to uses which exist or may locate there.

The vehicular traffic generated by such a facility shall be of a volume which will not create any safety hazards or disrupt the residential character of the neighborhood.

Plan Requirements: The applicant shall provide a site plan, drawn to scale, showing the following:

- a. The dimensions and size of the site and easements, with its relation to surrounding properties.
- b. The location, size, spacing and dimensions of all existing and proposed buildings, structures, improvements, and utilities.
- c. Landscaping plan showing compliance with Section V-3.
- d. Existing and proposed vehicular access, internal drives, and parking layout with dimensions.

7 Recreation Facilities: For Profit

Permitted Districts: Recreation facilities operated for profit may be permitted as a conditional use in the R-20, B-1, and O-5 zoning districts.

Dimensional Requirements: The dimensional requirements for this conditional use shall be the same as for the zoning district in which the property is located, unless provided otherwise herein.

Parking and Loading: Off-street parking and loading requirements shall be in compliance with Sections VI and VII, respectively.

Landscaping and Buffers: Landscaping and buffers shall be provided as required by Section V. The Board of Adjustment may require additional landscaping in order to protect the neighborhood characteristics.

Other Requirements: Noise emanating from the amusement shall be governed by the following provisions:

- a. Every use and activity shall be operated so that regularly recurring noises are not disturbing or unreasonably loud, and do not cause injury, detriment or nuisance to any person.
- b. Every use and activity shall be so operated that regularly recurring noises, as detected by the human sense of hearing, without instruments, at adjoining property lines, shall not exceed the normal noise level generated by uses permitted in the zoning district.

Lighting, if provided, shall be so designed and located as to be directed away from residential areas or shielded to protect them.

No part of the property so used shall be close enough to any residential district to create a nuisance to uses which exist or may locate there.

Vehicular access to the site shall be provided from major streets and not residential local streets.

Plan Requirements: The applicant shall provide a site plan, drawn to scale, showing the following:

- a. The dimensions and size of the site and easements, with its relation to surrounding properties.
- b. The location, size, spacing and dimensions of all existing and proposed buildings, structures, improvements, and utilities.
- c. Landscaping plan showing compliance with Section V-3.
- d. Existing and proposed vehicular access, internal drives, and parking layout with dimensions.

8 Temporary Uses (Not otherwise addressed by other provisions)

Permitted Districts: Temporary uses are permitted as special uses in all zoning districts.

Dimensional Requirements: The dimensional requirements shall be the same as for the zoning district in which the temporary use is to be located.

Parking and Loading: Off-street parking and loading areas shall be provided as required by Section VI and VII, respectively.

Landscaping and Buffers: Temporary uses are exempt from the landscaping and buffer requirements of Section V of this Ordinance; provided, however, the Board of Adjustment may require appropriate screening when necessary to protect surrounding or adjacent residential uses.

Other Requirements: Temporary uses, as special uses, shall include, but not be limited to, the following:

- a. The use of open land for revivals, circuses and carnivals or the sale of Christmas trees, baked goods, or collected clothing and the like, if no structure is erected other than tents.
- b. The use of a residence or other building and surrounding land by any non-profit charitable, religious or educational organization for the purpose of exhibiting and purveying, indoor or out-of-door art and craft products, jewelry, clothing, foods, beverages, horticultural specimens, home furnishings and decorations and similar or related items; and for presenting musical, fiction or theatrical programs indoors.

The Board of Adjustment shall take into account the adverse effect, if any, of the temporary use on its neighbors and the public; the temporary nature of the use; the necessity of the use; the hardship of the owner; the zoning of the property and the surrounding area; and any other relevant factors in the particular circumstances.

The temporary use permitted under this section shall be limited to the use specified by the Board of Adjustment.

Each applicant shall furnish assurance that at the termination of the temporary use permit, all properties of every nature moved onto the site under the permit shall be removed, and that no unsightly residue of property or land displacements shall be allowed to remain on the site.

The temporary use shall not involve the use of commercial vehicles for delivery of materials to or from the premises.

The temporary use shall not involve the use of advertising signs on any site located in a residential zoning district, other than one small (ten square feet) announcement sign, unilluminated. In all other zoning districts, signs shall conform to the requirements of Section VIII for the district in which the use is to be located.

The duration of the temporary use shall be specified on the permit issued by the Board of Adjustment.

Upon complaint to the Board of Adjustment from any person within four hundred (400) feet of an approved temporary use, the Board of Adjustment shall properly advertise and hold a public hearing to determine if the temporary use has been conducted in accordance with the provisions of this section as well as any other conditions established by the Board of Adjustment. The Board of Adjustment after holding the necessary public hearing, may approve, modify, suspend or deny the special use permit for the temporary use.

Location within zoning district: It is the intent of this ordinance to provide a public hearing to determine if the temporary use has been conducted in accordance with the provisions of this section as well as any other conditions established by the Board of Adjustment. The Board of Adjustment after holding the necessary public hearing, may approve, modify, suspend or deny the special use permit for the temporary use.

Part of and loading: Off-street parking and loading facilities shall be provided in accordance with Section 11.01 and 11.02.

Landscaping and buffer: The applicant shall provide a site plan showing the location and extent of the landscaping and buffer required by this ordinance. The Board of Adjustment may require additional landscaping or buffer if deemed necessary.

Site requirements: The applicant shall provide a site plan, shown to scale, showing the following:

- The dimensions and site of the structure, with its relation to surrounding properties.
- The location, size, and use of all existing and proposed buildings, structures, improvements, and utilities.
- Landscaping and buffer in accordance with Section 11.01.
- Existing and proposed vehicular access, internal drive, and parking layout with dimensions.

9 Townhouse and Zero Lot Line Dwelling

Permitted District: Townhouse and zero lot line residences may be permitted as a conditional use in the R-9 zoning district.

Dimensional Requirements: Townhouse and zero lot line residential development as a conditional use shall comply with the dimensional requirements as specified in Section II-14 of this Ordinance.

Location within Zoning District: It is the intent of this subsection to provide a buffer between intense land uses and low density single family residences. To that extent the Board of Adjustment may permit conditionally a higher density of housing at the fringe of a low density residential zone where it abuts more intense and/or incompatible land use. The Board may further permit such moderate density housing near the intersection of two major streets where highway traffic may not be conducive to single family residential development.

Parking and Loading: Off-street parking and loading requirements shall be in compliance with Sections VI and VII, respectively.

Landscaping and Buffers: Duplex and multi-family development as a conditional use shall comply with the landscaping and buffer requirements of Section V. In addition, the Board of Adjustment may require a vegetative buffer strip or screen where this proposed development abuts low density existing or future housing.

Plan Requirements: The applicant shall provide a site plan, drawn to scale, showing the following:

- a. The dimensions and size of the site and easements, with its relation to surrounding properties.
- b. The location, size, spacing and dimensions of all existing and proposed buildings, structures, improvements, and utilities.
- c. Landscaping plan showing compliance with Section V-3.
- d. Existing and proposed vehicular access, internal drive, and parking layout with dimensions.

LANDSCAPING AND BUFFER REQUIREMENTS

0 Purpose

Landscaping and buffer requirements are established to improve the appearance of vehicular use areas and property abutting public rights-of-way ; to require buffering between noncompatible land uses; to protect, preserve and promote the visual appeal, character and value of the surrounding neighborhoods; and to promote public health and safety through the reduction of noise pollution, air pollution, visual pollution, air temperature and artificial light glare.

0 General Requirements

No new site development, building structure or vehicular use area shall hereafter be erected, constructed or used unless landscaping is provided as required by the provisions of this section.

No property lines shall be altered nor shall any building, structure, or vehicular use area be expanded; unless the minimum landscaping required by this section is provided for the property to the extent of its alteration or expansion, and not for the entire property.

.0 Plan Review and Approval

Whenever any property is affected by these landscapes and buffer requirements, the property owner or developer shall prepare a plan for submittal to, and approval by, the Building Inspector. The Building Inspector shall follow the requirements of this section in approving or disapproving any plan required herein.

The contents of the plan shall include the following:

- a. The dimensions and acreage of each lot or plot or portion thereof to be built upon or otherwise used;
- b. The layout of the entire project including the proposed uses of all buildings, and its relation to surrounding properties;
- c. The layout of all off-street parking and loading areas, including the location of entry and exit points, the internal vehicular circulation pattern and the location and dimension of required parking and loading spaces;
- d. The location and dimensions of present and proposed streets and highways;
- e. The location of all existing and proposed plantings and screenings, including botanical and common name; installation size, and quantities;
- f. The location of walls, fences and railings and an indication of their height and construction materials; and
- g. Title, north arrow, scale, names of owner, developer, and person responsible for plan preparation, and the date that the plan was drawn.

No building permit shall be issued until the required landscaping plan has been submitted and approved, and no certificate of occupancy shall be issued until the landscaping is completed as certified by an on-site inspection by the Building Inspector, unless a performance bond or other acceptable guarantee of improvements has been posted.

Where site plan approval by the City Council or Board of Adjustment is required, no building permit or certificate of occupancy shall be issued until such approval has been granted. In the event that the requirements of this section conflict with those of other sections of this Ordinance, the more restrictive shall apply.

0 Street Frontage Landscaping Requirements: Off-Street Parking

On the site of a building or structure or open lot use providing an off-street parking, loading or other vehicular use area, where such area will not be entirely screened visually by an intervening building or structure, landscaping shall be required along any side that abuts the right-of-way of a street, road or highway. Such landscaping shall be provided as follows:

- a. A landscaping strip of ten (10) feet in depth shall be located between the abutting right-of-way and any off-street parking, loading or other vehicular use area, except where driveway openings are to be provided.
- b. The landscaping strip shall be planted in accordance with the following standards:
 1. One (1) tree shall be planted for each fifty (50) linear feet of the landscaping strip.
 2. A hedge, wall or other durable landscape barrier of at least two (2) feet in height shall be planted or erected adjacent to the street right-of-way line.
 3. All portions of the landscaping strip not planted with shrubs and trees or covered by a wall or other barrier shall be planted in grass or ground cover.

0 Peripheral Coverage Requirements: Off-Street Parking

In addition to the requirements of Section 11.4, peripheral landscaping shall be provided along the side of an off-street parking, loading or other vehicular use area that abuts adjoining property not a right-of-way. Such landscaping shall be provided as follows:

- a. A landscaping strip at least five (5) feet in width shall be located between the parking, loading or other vehicular use area and the abutting property lines, except when driveway openings are to be provided.
- b. The landscaping strip shall be planted in accordance with the following standards:

No building permit shall be issued until the proposed landscaping plan has been submitted and approved, and no certificate of occupancy shall be issued until the landscaping is completed as required by the approved plan. The landscaping shall be maintained in good condition and the landscaping shall be replaced if damaged or destroyed.

Where the plan approved by the City Council on behalf of the Department of Planning, no building permit or certificate of occupancy shall be issued until the landscaping has been installed. In the event that the landscaping of the property conflicts with the plan approved by the City Council, the landscaping shall be replaced.

Street Frontage Landscaping Requirements (Ordinance 11-01)

On the site of a building, the landscaping shall be installed and maintained in good condition. The landscaping shall be installed and maintained in good condition and the landscaping shall be replaced if damaged or destroyed. The landscaping shall be installed and maintained in good condition and the landscaping shall be replaced if damaged or destroyed.

1. A landscaping plan shall be submitted to the City Council on behalf of the Department of Planning for review and approval. The landscaping shall be installed and maintained in good condition and the landscaping shall be replaced if damaged or destroyed.

2. The landscaping shall be installed and maintained in good condition and the landscaping shall be replaced if damaged or destroyed.

3. The landscaping shall be installed and maintained in good condition and the landscaping shall be replaced if damaged or destroyed.

4. The landscaping shall be installed and maintained in good condition and the landscaping shall be replaced if damaged or destroyed.

5. The landscaping shall be installed and maintained in good condition and the landscaping shall be replaced if damaged or destroyed.

Perimeter Landscaping Requirements (Ordinance 11-01)

In addition to the landscaping of the site, the landscaping shall be installed and maintained in good condition and the landscaping shall be replaced if damaged or destroyed. The landscaping shall be installed and maintained in good condition and the landscaping shall be replaced if damaged or destroyed.

6. A landscaping plan shall be submitted to the City Council on behalf of the Department of Planning for review and approval. The landscaping shall be installed and maintained in good condition and the landscaping shall be replaced if damaged or destroyed.

7. The landscaping shall be installed and maintained in good condition and the landscaping shall be replaced if damaged or destroyed.

1. One (1) tree shall be planted for each sixty (60) linear feet of the landscaping strip.
 2. A hedge, wall or other durable landscape barrier of at least three (3) feet in height shall be planted or erected adjacent to the common lot line.
 3. All portions of the landscaping strip not planted with shrubs and trees or covered by a wall or other barrier shall be planted in grass or ground cover.
- c. The provisions of this subsection shall not be applicable in the following situations:
1. Where any off-street parking, loading or other vehicular use area will be entirely screened visually by an intervening building or structure from abutting property.
 2. Where planting and/or fencing is required for screening between certain noncompatible land uses, pursuant to Section 11.7.

10 Interior Coverage Requirements

Not less than five percent (5%) of the interior of any parking, loading or other vehicular use area shall be landscaped. The location of such landscaping is at the option of the owner or developer except in the case of large scale commercial, industrial or residential development. In such instances, every eighth row of parking shall be separated by a median strip for landscaping and pedestrian purposes of not less than eight (8) feet in width. In all other cases, landscaping shall be reasonably dispersed throughout the parking lot in end planters and median strips.

Planting required by Sections 11.4, 11.5 and 11.7 shall not be considered as part of the interior landscaping requirement.

10 Screening and Buffer Requirements

Screening and buffering shall be provided in the locations and in accordance with the following provisions:

- a. In all residential developments, approved pursuant to the Sub-division Regulations of the City of Rockingham, a buffer strip at least twenty (20) feet in depth or width shall be provided adjacent to all limited access highways, all railroad rights-of-way, and commercial and industrial uses or zoning districts. The buffer strip shall be in addition to normal lot depth or width required and shall be a part of the platted lots, having the following restrictions designated on the plat: "this strip reserved for the planting of trees or shrubs by the owner; the building of structures hereon is prohibited."
- b. In all commercial and industrial zoning districts, a ten (10) foot buffer strip shall be provided along the side and/or rear property lines adjoining any residentially zoned and/or developed lot. Within the buffer strip, grass, trees, shrubs and fencing shall be placed together which form a dense year-round growth and barrier designed to effectively screen the uses within the subject property from the view of adjacent residential uses (existing or future).

The buffer strip shall be composed of deciduous or evergreen trees or a mixture of each, spaced not more than forty (40) feet apart, and a row of shrubs, spaced not more than five (5) feet apart.

Fencing may be a solid wall or barrier of wood, brick or other material. Chain linking fencing will be permitted only if covered with wood or plastic strips or plant material. All walls and fences shall be six (6) feet in height, except within any required front yard area, where they shall be three (3) feet in height.

0 Sight Distance Requirements - Driveways and Street Intersections

To insure that landscape materials do not constitute a driving hazard, a "sight triangle" will be observed at all street intersections or intersections of driveways with streets. Within the sight triangle, no landscape material, wall or other obstruction shall be permitted between the height of two (2) feet and six (6) feet above the street or driveway elevation. The sight triangle shall consist of the following:

- a. Intersecting streets shall have a sight triangle with two sides being twenty five (25) feet along the abutting rights-of-way lines, measured from their point of intersection, and the third side being a line connecting the ends of the other two lines.
- b. A street intersecting a railroad track shall have a sight triangle with two sides being fifty (50) feet along the abutting rights-of-way lines, measured from their point of intersection, and the third side being a line connecting the other two lines.
- c. A street intersecting a driveway shall have a sight triangle with one side being fifteen (15) feet along the right of way, one side being fifteen (15) feet along the abutting driveway pavement, and the third side being a line connecting the other two sides.

0 Installation and Maintenance

Existing landscape material in satisfactory condition may be used to satisfy these requirements in whole or in part when such material achieves the objectives of this section. Otherwise, all landscaping shall be of good quality and installed in a sound, workmanship like manner and according to accepted, good construction and planting procedures.

Parked vehicles may overhang a landscaped area no more than two and a half (2½) feet, provided curbing or other wheel stops are installed to insure no greater overhang or penetration of the landscaped area. Landscaping, walls, fences, and any other material shall be so located to prevent its damage and/or destruction by overhanging vehicles.

The type of landscape material used in meeting the requirements of this section is at the option of the owner or developer. However, a recommended plant list shall be maintained by the City to provide detailed information on acceptable plant material.

All trees to be used shall be a minimum of eight (8) feet in overall height upon planting. Shrubs shall be a minimum of two (2) feet in height when measured

immediately after planting. In any event, plant material required for the purpose of screening shall be of such initial size to reach the required height within two (2) growing seasons after installation.

The owner or tenant of the property shall be responsible for the continued, proper maintenance of all landscaping materials, and shall keep them in a proper, neat and orderly appearance, free from refuse and debris, at all times. All landscaped areas shall be provided with a readily available water supply with at least one (1) outlet located within one hundred and fifty (150) feet of all plant material to be maintained. All unhealthy or dead plant material shall be replaced within one (1) year, or by the next planting season, whichever comes first.

Each application for a building permit or certificate of occupancy shall include plans and other information of sufficient detail to enable the Building Inspector to determine whether or not the requirements of this section have been met. Parking plans shall include information as to:

- The location and dimensions of driveway entrances, access drives and parking areas;
- The provisions for pedestrian and vehicular circulation;
- The location of sidewalks and curbs;
- The location of a lot;
- Typical cross-section of pavement;
- Storm drainage facilities, utilities and such other information or details as the Commissioner may require.

The building permit or certificate of occupancy for the construction of any building, structure or lot where off-street parking space is required shall be withheld by the Building Inspector until the provisions of this section have been met. If at any time such compliance ceases, any certificate of occupancy which shall have been issued for the use of property shall immediately become void and of no effect.

LOCATION OF OFF-STREET PARKING SPACE

The off-street parking space required by this section shall be located on the same lot with the use served. Where off-street parking is required in connection with a use which cannot be located on the lot with the use, such parking may be provided off the lot, subject to the following requirements:

- The off-lot space shall be within 200 feet of the main entrance of the use for which the parking is required. The distance shall be measured along routes generally available to the public and involved.
- Off-lot spaces shall be located only in those zoning districts in which on-lot parking is required.
- The off-lot parking area shall be held in fee simple by the use owner, or the use receiving the off-street parking spaces, or under lease, rental or other form of agreement satisfactory to the Town Development Director as assuring continuing availability for required off-street

VI

OFF-STREET PARKING REQUIREMENTS

.0 Purpose

Off-street parking requirements are established in order to assure the proper and uniform development of parking areas throughout the City of Rockingham and its one-mile extraterritorial zoning jurisdiction, to relieve traffic congestion in the streets and to minimize any detrimental effects of off-street parking areas on adjacent properties.

.0 General Requirements

Each application for a building permit or certificate of occupancy shall include plans and other information of sufficient detail to enable the Building Inspector to determine whether or not the requirements of this section have been met. Parking plans shall include information as to:

- a. The location and dimensions of driveway entrances, access aisles and parking spaces
- b. The provisions for vehicular and pedestrian circulation
- c. The location of sidewalks and curbs
- d. The location of signs
- e. Typical cross-section of pavement
- f. Storm drainage facilities, utilities and such other information or plans as the circumstances may warrant.

The building permit or certificate of occupancy for the construction or use of any building, structure or land where off-street parking space is required shall be withheld by the Building Inspector until the provisions of this section have been met. If at any time such compliance ceases, any certificate of occupancy which shall have been issued for the use of property shall immediately become void and of no effect.

3.0 Location of Off-Street Parking Space

The off-street parking space required by this section shall be located on the same lot with the use served. Where off-street parking required in connection with a use cannot be located on the lot with the use, such parking may be provided off the lot, subject to the following requirements:

- a. The off-lot spaces shall be within 200 feet of the main entrance of the use for which the parking is required. The distance shall be measured along routes generally available to the pedestrians involved.
- b. Off-lot spaces shall be located only in those zoning districts in which similar off-street parking is required.
- c. The off-lot parking area shall be held in fee simple by the same owner as the use requiring the off-street parking spaces; or under lease, rental or other form of agreement satisfactory to the Town Development Director as assuring continuing availability for required off-street

parking for the use; or established by the City of Rockingham for the purpose of providing such off-lot parking for specific areas and/or land uses, and with the number of spaces allocated by specific individual lots or establishments.

In the event that the lease or agreement expires, or that the off-lot area is used for other than parking space for the use for which it is intended, the use and/or structure shall not be continued or occupied until the requirements of this section have been met.

0 Interpretation and Modification

Where uncertainty exists as to the application of the requirements of this section, or where the applicant for a permit for a building or use finds that the required off-street parking is in excess of the needs of the use or building proposed, the following rules shall apply:

- a. Where other sections of this Ordinance impose additional or greater requirements than those set forth in Section 8.6 - Schedule of Off-Street Parking Requirements, the more restrictive shall apply.
- b. Parking requirements for a use not listed in Section 8.6 shall be the same as for a listed use of the same general characteristics of traffic generation.
- c. Where more than one use occupies a building or premises, the parking requirements shall be equal to the sum of the requirements of each use.
- d. If the applicant for a building permit or certificate of occupancy finds that the off-street parking requirement is in excess of the needs of the proposed building or use, the Board of Adjustment may reduce the number of spaces required and the extent of parking area to be improved, upon finding that any proposed modification shall be sufficient to serve the traffic generated, and that no hazard or traffic congestion shall result. If the building or premises for which the modification is requested is thereafter occupied by a use which requires a greater number of off-street parking spaces, the use and/or building shall not be continued or occupied until the requirements of this section have been met.
- e. Up to fifty percent (50%) of the required parking for a theater, bowling alley, auditorium, night club or similar use and up to one hundred percent (100%) of the required space for a church may be provided and used jointly by banks, offices, retail stores and similar uses not normally open or operated during the same hours, provided that a formal agreement between the parties concerned is properly executed and filed with the Building Inspector.

.0 Design Standards

All off-street parking areas required by this section shall conform with the following design standards:

- a. All parking spaces shall have minimum dimensions of nine (9) feet in width and eighteen (18) feet in length. All access or backup aisles shall conform to the following dimensions:

<u>Parking Angle</u>	<u>Aisle Dimension</u>
90°	24 feet
60°	18 feet
45°	14 feet
30°	12 feet
0°	12 feet

- b. The use of streets, sidewalks, alleys or other public rights-of-way parking or maneuvering to and from off-street parking spaces is prohibited, except where such maneuvering is necessary in the use of driveways for access to and from single-family and two-family dwellings, and except as permitted by Section 8.6 - Schedule of Off-Street Parking Requirements. All off-street parking areas shall be so arranged that ingress and egress is by forward motion of the vehicle.
- c. Required off-street parking areas including drives and access ways shall be paved with an all-weather hard surface material.
- d. Parking area edges shall be protected by suitable curbing to prevent vehicular encroachment on a public right-of-way or on adjacent property, and to protect the public right-of-way and adjoining properties from the damaging effects from surface drainage from parking lots.
- e. Where parking or loading areas are provided adjacent to a public street, ingress or egress thereto shall be made only through driveways not exceeding thirty (30) feet in width at the curb line of said street, except where the Building Inspector finds that a greater width is necessary to accommodate the vehicles customarily using the driveway.
- f. Where two (2) or more driveways are located on the same lot, the minimum distance between such drives shall be thirty (30) feet or one-third (1/3) of the lot frontage, whichever is greater; provided, however, this provision shall not apply to any commercial development consisting of two (2) or more structures as specified in Section 4.8 or developed in accordance with the provisions of Sections 3.5, 3.6, 3.8, or 3.11.
- g. Businesses adjacent to or integrated in a shopping center or cluster of commercial facilities shall use the common access with other business establishments in that center.
- h. No driveway shall be located closer than twenty-five (25) to any street intersection.
- i. Any lighting of parking areas shall be shielded so as to cast no light upon adjacent properties and streets.

j. Landscaping shall comply with Section V of this Ordinance.

10 Schedule of Off-Street Parking Requirements

Off-street parking shall be provided and maintained as specified in the following schedule. These requirements shall apply to all new buildings and uses in all districts except the Central Business district where existing development is at such density that they cannot reasonably be imposed.

Use	Parking Spaces Required
Air, motor and rail freight terminals	Two (2) parking spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation
Airports, railroad passenger stations and bus terminals	One (1) parking space for each four (4) seating accommodations for waiting passengers, plus two (2) spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation
Auditoriums, stadiums, assembly halls, indoor theaters, and recreational centers	One (1) parking space for each four (4) seats, plus two (2) spaces for each three (3) employees
Automotive service stations and washing establishments	Two (2) parking spaces for each service bay, plus one (1) space for each employee, plus one (1) space for each vehicle used in the operation.
Automobile wrecking yards, scrap metal processing yards, general salvage yards and wholesale lumber yards	One (1) parking space for each ten thousand (10,000) square feet of site area, plus two (2) spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation
Beauty and barber shops	One (1) parking space for each service chair, plus two (2) spaces for each three (3) employees or operators
Drive-in window service (Banks, fast food, laundry, etc.)	Auxillary space for four (4) standing vehicles per drive-in window
Bowling alleys	Four (4) parking spaces for each bowling lane, plus two (2) spaces for each three (3) employees
Cemeteries	Parking shall be provided entirely on private internal roads
Churches	One (1) parking space for each four (4) seats in the sanctuary

Use	Parking Spaces Required
Clubs and lodges	One (1) parking space for each five (5) members plus two (2) spaces for each three (3) employees
Dance halls and skating rinks	One (1) parking space for each two (2) persons based on the design capacity of the facility, plus two (2) spaces for each three (3) employees
Day care centers and pre-schools	One (1) parking space for each two (2) adult attendants, plus one (1) space for each 10 (10) children
Dwellings, single-family	Two (2) parking spaces for each dwelling unit.
Dwellings, two-family	Two (2) parking spaces for each dwelling unit
Dwellings, multi-family	Two (2) parking spaces for each dwelling unit; provided, however, public and private housing projects intended for occupancy by persons 62 years of age or older may apply to the Board of Adjustment for a variance of this requirement in accordance with Section 8.4 (d).
Elementary schools and junior high schools	Three (3) parking spaces for each classroom and administrative office or one (1) space for each six (6) seats in auditoriums and other places of assembly or facilities available to the public, whichever is greater
Furniture stores	One (1) parking space for each five hundred (500) square feet of gross floor area
Funeral homes	One (1) parking space for each four (4) seats in the chapel(s), plus two (2) spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation
Golf courses and driving ranges	Two (2) parking spaces for each green tee, plus two (2) spaces for each three (3) employees
Group homes	One (1) parking space for each resident attendant, plus one (1) space for each ten (10) resident clients

Use	Parking Spaces Required
Home occupations	In addition to the number of off-street parking spaces required herein for dwelling purposes, the number of spaces required for the specific permitted home occupation shall be equivalent to the amount as required for such uses as are listed herein, or are most nearly similar to such uses
Hospitals	One (1) parking space for each bed, plus one (1) space for each staff doctor, plus one (1) space for each two (2) employees
Indoor and outdoor commercial recreation	One (1) parking space for each one hundred (100) square feet of floor, building or ground area devoted to customer participation and spectator use, or one (1) space for each fixed facility wherein a person participates in or at such facility and one (1) space for each four (4) seats provided for customer or spectator use, whichever is greater
Laboratories and other facilities for research	One (1) parking space for each employee
Laundries, dry cleaning and linen supply services	Two (2) parking spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation, plus two (2) spaces for each two hundred (200) square feet of customer service area
Medical clinics and doctors' and dentists' offices	Six (6) parking spaces for each doctor or dentist practicing at the clinic or office, plus one (1) space for each employee
Mobile home parks	Two (2) parking spaces for each mobile home space
Motels, hotels and tourist homes	One (1) parking space for each room to be rented, plus one (1) parking space for each two (2) employees
Museums and art galleries	One (1) parking space for each one hundred and fifty (150) square feet of exhibit area or meeting area, plus two (2) spaces for each three (3) employees
Nursing homes, rest homes for the aged	One (1) parking space for each four (4) beds, plus two (2) spaces for each three (3) employees

Use	Parking Spaces Required
Office and professional buildings	One (1) parking space for each three hundred (300) square feet of gross floor space
Police and fire stations	One (1) parking space for each person on duty on a normal shift
Post offices	One (1) parking space for each three hundred (300) square feet of gross floor space, plus one (1) space for each two (2) employees, plus one (1) space for each vehicle used in the operation
Printing and publishing	Two (2) parking spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation, plus one (1) space for each two hundred (200) square feet of customer area
Production or processing of materials, goods or products	Two (2) parking spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation
Public libraries	One (1) parking space for each four hundred (400) square feet of gross floor area, plus two (2) spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation
Public utilities and service uses	Two (2) parking spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation
Restaurants, drive-in	One (1) parking space for each sixty (60) square feet of gross floor area, see drive-in window service
Retail stores, excluding furniture stores	One (1) parking space for each two hundred (200) square feet of floor area used for display and sales
Retail sale, repair and rental of motor vehicles, boats, farm implements, heavy machinery and mobile homes	One (1) parking space for each vehicle, boat, mobile home or piece of machinery to be displayed or repaired, plus two (2) spaces for each three (3) employees
Rooming and boarding houses	One (1) parking space for each two (2) rooms to be rented

Use	Parking Spaces Required
Senior high schools	Five (5) parking spaces for each classroom and administrative office or one (1) space for each five (5) seats in auditoriums and other places of assembly or facilities available to the public, whichever is greater
Sit-down restaurants, taverns and night clubs	One (1) parking space for each four (4) seats, plus two (2) spaces for each three (3) employees
Swimming pools	One (1) parking space for each three (3) persons of design capacity, plus two (2) spaces for each three (3) employees
Theaters, drive-in	Auxilliary parking space shall be provided for patrons waiting admission in an amount not less than 15 percent (15%) of the vehicular capacity of the theater
Testing, repairing, and cleaning	Two (2) parking spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation
Trade and vocational schools, colleges and universities	One (1) parking space for each three (3) students, plus two (2) spaces for each three (3) employees
Tobacco sales warehouses	One (1) parking space for each one thousand (1,000) square feet of gross floor area
Warehousing and wholesale	Two (2) parking spaces for each three (3) employees, plus one (1) space for each vehicle used in the operation

VII

OFF STREET-LOADING REQUIREMENTS

1.0 Purpose

Off-street loading requirements are established in order to assure the proper and uniform development of loading areas throughout the City of Rockingham and its one-mile extraterritorial zoning jurisdiction, to relieve traffic congestion in the streets and to minimize any detrimental effects of off-street loading areas on adjacent properties.

2.0 General Requirements

Each application for a building permit or certificate of occupancy shall include plans and other information of sufficient detail to enable the Town Development Director to determine whether or not the requirements of this section have been met. Plans for off-street loading areas shall include information as to:

- a. The location and dimensions of driveway entrances, access aisles loading spaces.
- b. The provisions for vehicular and pedestrian circulation.
- c. The location of sidewalks and curbs.
- d. Typical cross-section of pavement.
- e. Storm drainage facilities, utilities and such other information or plans as the circumstances may warrant.

The building permit or certificate of occupancy for the construction or use of any building, structure or land where off-street loading space is required shall be withheld by the Town Development Director until the provisions of this section have been met. If at any time such compliance ceases, any certificate of occupancy which shall have been issued for the use of the property shall immediately become void and of no effect.

3.0 Location of Off-Street Loading Space

The off-street loading space required by this section shall be provided for standing, loading and unloading operations either inside or outside a building and on the same lot with the use served.

4.0 Interpretation and Modification

Where uncertainty exists as to the application of the requirements of this section, or where the applicant for a permit for a building or use finds that the required off-street loading is in excess of the needs of the use or building proposed, the following rules shall apply:

- a. Where other sections of this Ordinance impose additional or greater requirements than those set forth in Section 9.6 - Schedule of Off-Street Loading Requirements, the more restrictive shall apply.
- b. Loading requirements for a use not listed in Section 9.6 shall be the same as for a listed use of the same general characteristics.
- c. Where more than one (1) use occupies a building or premises, the loading requirements shall be equal to the sum of the requirements of each use.
- d. If the applicant for a building permit or certificate of occupancy finds that the off-street loading requirement is in excess of the needs of the proposed building or use, the Board of Adjustment may reduce the number of spaces required and the extent of the loading area to be improved, upon finding that any proposed modification shall be sufficient to serve the building or use, and that no hazard or traffic congestion shall result.

If the building or premises for which the modification is requested is thereafter occupied by a use which requires a greater number of off-street loading spaces, the use and/or building shall not be continued or occupied until the requirements of this section have been met.

50 Design Standards

All off-street loading areas required by this section shall conform with the following design standards:

- a. For uses containing a gross floor area of less than 20,000 square feet, each off-street loading space shall have minimum dimensions of fifteen (15) feet in width and thirty (30) feet in length.
- b. For uses containing a gross floor area of 20,000 square feet or more, each off-street loading space shall be fifteen (15) feet in width and forty-five (45) feet in length as a minimum.
- c. All off-street loading spaces shall have a minimum vertical clearance of fifteen (15) feet.
- d. Access aisles or apron spaces shall be of sufficient width to allow for proper backing and/or turning movements.
- e. Required off-street loading areas including drives and access aisles shall be paved with an all-weather hard surface material.
- f. Loading spaces and access ways shall be located in such a way that no truck or service vehicle using such area shall block or interfere with the free, normal movement of other vehicles on a service drive or on any off-street parking area, public street, aisle or pedestrian area used for general circulation. In addition, the off-street loading facilities shall be designed and constructed so that all maneuvering of vehicles for loading and unloading purposes shall take place entirely within the property lines of the premises.
- g. Loading area edges shall be protected by suitable curbing to prevent vehicular encroachment on a public right-of-way or on adjacent property, and to protect the public right-of-way and adjoining properties from the damaging effects of surface drainage from off-street loading areas.
- h. Driveways shall be provided as required in Section 8.5 (e) through (h).
- i. Any lighting of loading areas shall be shielded so as to cast no light upon adjacent properties and streets.

.0 Schedule of Off-Street Loading Requirements

Off-street loading shall be provided and maintained as specified in the following schedule. These requirements shall apply to all buildings and uses in all districts except the Central Business district where development is at such density that they cannot reasonably be imposed.

- a. Uses which normally handle large quantities of goods, including but not limited to industrial plants, wholesale establishments, storage

warehouses, freight terminals, hospitals or sanitariums, and retail sales establishments shall provide off-street loading facilities in the following amounts:

<u>Gross Floor Area (Square Feet)</u>	<u>Minimum Number of Spaces Required</u>
5,000 - 20,000	1
20,001 - 50,000	2
50,001 - 80,000	3
80,001 - 125,000	4
125,001 - 170,000	5
170,001 - 215,000	6
215,001 - 260,000	7
For each additional 45,000	1 additional

- b. Uses which do not handle large quantities of goods, including but not limited to office buildings, restaurants, funeral homes, hotels, motels, apartment buildings, and places of public assembly, shall provide off-street loading facilities in the following amounts:

<u>Gross Floor Area (Square Feet)</u>	<u>Minimum Number of Spaces Required</u>
5,000 - 80,000	1
80,001 - 200,000	2
200,001 - 320,000	3
320,001 - 500,000	4
For each additional 180,000	1 additional

SIGN REGULATIONS

0 Purpose

The purpose of this section is to permit such signs that will not, by their reason, size, location, construction, or manner of display endanger the public safety of individuals, confuse, mislead, or obstruct the vision necessary for traffic safety, or otherwise endanger public health, safety, and morals; and to permit and regulate signs in such a manner as to support and complement land use objectives as set forth in this Zoning Ordinance.

1 General Requirements

No sign of any type nor any part thereof shall be erected, painted, posted, placed, replaced or hung in any zoning district except in compliance with these regulations.

Each application for a sign permit shall be made in writing upon forms furnished by the Building Inspector and shall contain or have attached thereto the following information:

- a. A drawing approximately to scale showing the design of the sign, including dimensions, method of attachment or support, source of illumination and showing the relationship to any building or structure to which it is or is proposed to be installed or affixed.
- b. A plot plan approximately to scale indicating the location of the sign relative to property lines, easements, streets, sidewalks and other signs.

Sign plans shall be submitted to and approved by the City Building Inspector prior to a permit being issued. A record of such applications, plans and the actions taken thereon shall be kept in the office of the Building Inspector.

Each applicant before being granted a sign permit shall pay to the City of Rockingham a fee for each sign permit. More than one sign on a single lot may be shown on the plans, and granted by a single permit. The fee shall be set by City Council.

In addition to the detailed regulations set forth in other provisions of this section, all signs displayed within the jurisdiction of this Ordinance (including those exempted from the permit process) shall comply with the following specifications:

Obstruction to Exits.

- a. No sign shall be erected so as to obstruct any fire escape, required exit, window, or door opening intended as a means of egress.

Obstruction to Ventilation.

- b. No sign shall be erected which interferes with any opening required for ventilation.

Clearance from Electrical Power Lines and Communications Lines.

- c. Signs shall maintain all clearances from electrical conductors in accordance with the City Electrical Code and from all communications equipment or lines.

Clearance from Surface and Underground Facilities.

- d. Signs and their supporting structures shall maintain clearance and noninterference with all surface and underground facilities and conduits for water, sewage, gas, electricity, or communications equipment or lines. Furthermore, placement shall not interfere with natural or artificial drainage or surface or underground water.

- e. Drainage. The roofs of canopies exceeding twenty-five (25) square feet shall be drained to prevent dripping or flowage onto public sidewalks or streets and shall be connected to an approved disposal source by adequate conductors.
- f. Obstruction to Corner Visability. No sign or sign structure shall impair the visability of intersecting streets and drives as defined by Section II-4 of this Ordinance.
- g. Setbacks. All signs shall be setback at least ten (10) feet from the front property line except in the B-2 Central Business district.
- h. Offensive copy. No signage is permitted which displays copy of an immoral or indecent nature. The Board of Adjustment shall resolve any questions pertaining to this provision, applying local community standards.

0 Exemptions

The following types of signs are exempted from the application of the regulations herein:

- a. Signs unlighted, not exceeding two (2) square feet in area and bearing only property numbers, post box numbers, and the name of the owner or occupant of the premises. Such signs shall not exceed two (2) square feet in area per occupant. If more than one (1) sign or nameplate is required, the total allowable sign area shall not exceed eight (8) square feet.
- b. Flags and insignia of any government except when displayed in connection with commercial promotion.
- c. Holiday decorations in season.
- d. Legal notices and warning, regulatory, informational, or directional signs erected by any public agency or utility.
- e. Integral decorative or architectural features of buildings, including signs which denote only the building name, date of erection or street number. Such signs shall be permitted as exemptions when cut into any masonry surface.
- f. Signs directing and guiding traffic and parking on private property.
- g. Signs which cannot be seen from a public street or right-of-way.
- h. The repair and maintenance of a conforming sign including replacement of copy which otherwise conforms with this Section.
- i. Price signs at automobile service stations or other establishments engaged in the retail sales of gasoline. One (1) such sign is permitted for each frontage on a public street, provided it does not exceed eight (8) square feet in area. Any such sign shall be affixed to a permitted freestanding identification sign, to a canopy support in the vicinity of the gasoline pumps, or flat-mounted against the wall of a building.

- j. Signs announcing the location of self-service gasoline pumps at any establishment engaged in the retail sale of gasoline. Such signs shall be located in the vicinity of the gasoline pumps and shall not exceed eight(8) square feet in area.
- k. One sign or bulletin board per street front, setting forth the name of any public, charitable, or religious institution when located on the premises, provided such signs shall not exceed twenty-four (24) square feet in area.
- l. Directional off premises signs for public, charitable, or religious institutions. Such signs shall be limited to three (3) per institution and each shall not exceed eight (8) square feet in area.
- m. Commemorative plaques placed by recognized historical agencies.

0 Permitted Signs

Only signs as described herein and as may be permitted otherwise in this section will be allowed. No sign described herein shall be erected unless a permit for the same has been issued by the Building Inspector. All signs erected under the requirements of this section may be illuminated in accordance with Section VIII-7 unless provided otherwise herein.

a. Residential Districts

- 1. Permanent, identification signs for subdivisions, mobile home parks, and travel trailer campgrounds not exceeding fifty (50) square feet in area. One (1) sign may be erected at each major entrance to the subdivision, mobile home park or travel trailer campground but shall be located on private property no closer than ten (10) feet to any property line. No sign shall exceed six (6) feet in height above ground level, and illumination shall be restricted to indirect white lighting.
- 2. One (1) permanent, identification sign for multi-family residential developments may be erected at each major entrance to the property. Such signs shall not exceed fifty (50) square feet in area and may be flat-mounted against the wall of an apartment building or freestanding. If freestanding, such signs shall be set back a minimum of ten (10) feet from any property line and shall not exceed six (6) feet in height above ground level. Illumination shall be limited to indirect white lighting.
- 3. One (1) permanent, identification sign for nonresidential uses permitted as a matter of right may be erected on the premises, provided such signs do not exceed fifty (50) square feet in area. No sign shall be located closer than ten (10) feet to any property line nor exceed six (6) feet in height above ground level. Illumination shall be limited to indirect white lighting.
- 4. Signage for legitimate non-conforming uses or uses permitted by a conditional use permit other than home occupations, shall be either: that allowed for the use in the zoning district wherein the use is permitted as of right by this Zoning Ordinance; or as specified by the Board of Adjustment.

5. Signs for home occupations as specified by Section IV-8, or the Board of Adjustment.
6. Temporary signs as permitted by Section VIII-5.

b. Office and Institutional District

Within the O-I Office and Institutional district as shown on the Zoning Map, only the following types of signs shall be permitted:

1. One (1) permanent, freestanding identification sign is permitted for each premises. The area of the sign shall not exceed one (1) square foot for each lineal foot of street frontage, provided no such sign shall exceed forty (40) square feet. No such sign shall exceed eight (8) feet in height. Illumination shall be restricted to indirect white lighting.

Business fronting on more than one (1) public street shall be permitted one (1) freestanding sign for each frontage; provided, however, the combined area of all such signs shall not exceed the allowable sign area and, in no case, forty (40) square feet.
2. Permanent wall signs shall be permitted for each separate business establishment, provided the total allowable sign area for all such signs shall not exceed one (1) square foot for each lineal foot of building wall facing a public street. The location and number of wall signs is at the option of the owner or tenant, however, consideration should be given to the relationship between signs and to those on surrounding businesses before erecting, installing, or painting any sign on a building wall.
3. Signs for permitted single and multi-family residential uses shall conform to the requirements of Section VIII-4a - Residential Districts.
4. One (1) identification sign per business establishment may be suspended from or attached to the underside of a canopy or marquee provided such sign does not exceed six (6) square feet in area and maintains a clear distance of eight (8) feet between the sidewalk and and the bottom of the sign.
5. Temporary signs as permitted in Section VIII-5.

c. Neighborhood Business District

Within the B-1 Neighborhood Business district as shown on the Zoning Map, only the following types of signs shall be permitted:

1. One (1) freestanding identification sign shall be permitted whose size shall not exceed one (1) square foot for each lineal foot of street frontage, provided no such sign shall exceed sixty (60) square feet. Any such sign shall not exceed twenty (20) feet in height.
2. Wall signs shall be permitted for each separate business establishment, provided the total allowable sign area for all such signs shall not exceed one (1) square foot for each lineal of building wall facing a public street. The location and number of signs is at the option of the owner or tenant, however, consideration shall be given to the

to the relationship between signs and to those on surrounding businesses before erecting, installing or painting any such sign on a building wall.

3. One (1) identification sign may be suspended from or attached to the underside of a canopy or marquee provided such sign does not exceed six (6) square feet in area and maintains a clear distance of at least eight (8) feet between the sidewalk and the bottom of the sign.
4. Temporary signs as permitted in Section VIII-5.

d. Central Business District

Within the B-2 Central Business district as shown on the Zoning Map, only the following types of signs shall be permitted:

1. One (1) permanent, freestanding identification sign is permitted for each premises. The area of the sign shall not exceed sixty (60) square feet. Any such freestanding sign shall not exceed twenty (20) feet in height.
2. Permanent wall signs shall be permitted for each separate business establishment, provided the total allowable sign area for all such signs shall not exceed one (1) square foot for each lineal foot of building wall facing a public street. The location and number of wall signs is at the option of the owner or tenant, however, consideration shall be given to the relationship between signs and to those on surrounding businesses before erecting, installing or painting any sign on a building wall.

Businesses fronting on more than one (1) public street shall be permitted one (1) freestanding sign for each frontage; provided, however, the combined area of all such signs shall not exceed the allowable sign area and, in no case, sixty (60) square feet.

3. One (1) identification sign per business establishment may be suspended from or attached to the underside of a canopy or marquee, provided such sign does not exceed six (6) square feet in area and maintains a clear distance of at least eight (8) feet between the sidewalk and the bottom of the sign.
4. Temporary signs as permitted by Section VIII-5.

e. Highway Commercial District

Within the B-3 Highway Business district as shown on the Zoning Map, only the following types of signs shall be permitted:

1. One (1) permanent, freestanding identification sign is permitted for each freestanding building. The area of the sign shall not exceed three hundred (300) square feet in area. Any such freestanding sign shall not exceed twenty-five (25) feet in height.

Business fronting on more than one (1) public street shall be permitted one (1) freestanding sign for each frontage; provided, however, the combined area of all such signs shall not exceed the allowable sign area and, in no case, three hundred (300) square feet.

2. One (1) permanent freestanding identification sign announcing the name of a unified shopping center structure and the tenants or occupants therein. The area of the sign shall not exceed four hundred (400) square feet or twenty-five (25) feet in height.
3. Permanent wall signs shall be permitted for each separate business establishment, provided the total allowable sign area for all such signs shall not exceed two (2) square feet for each lineal foot of building wall facing a public street. The location and number of wall signs is at the option of the owner or tenant, however, consideration shall be given to the relationship between signs and to those on surrounding businesses before erecting, installing or painting any sign on a building wall.
4. One (1) identification sign per business establishment may be suspended from or attached to the underside of a canopy or marquee, provided such sign does not exceed six (6) square feet in area and maintains a clear distance of at least eight (8) feet between the sidewalk and the bottom of the sign.
5. One (1) outdoor advertising sign structure shall be permitted on a zoning lot not occupied by any other permitted use. Such structure shall meet all setback and yard requirements of the zoning district, and in addition shall be no closer than one hundred (100) feet to a residential zone or use property line. Outdoor advertising signs shall not exceed three hundred (300) feet in area or forty feet in height.
6. Temporary signs as permitted in Section VIII-5.

f. Industrial Districts

Within the I-1 and I-2 Industrial districts as shown on the Zoning Map, only the following types of signs shall be permitted:

1. One (1) permanent, freestanding identification sign is permitted for each premises. The area of the sign shall not exceed one (1) square foot for each lineal foot of street frontage, provided no such sign shall exceed three hundred (300) square feet in area. Any such freestanding sign shall not exceed twenty-five (25) feet in height.
Businesses fronting on more than one (1) public street shall be permitted one (1) freestanding sign for each frontage; provided, however, the combined area of all such signs shall not exceed the allowable sign area and, in no case, three hundred (300) square feet.
2. Permanent wall signs shall be permitted for each separate business establishment, provided the total allowable sign area for all such signs shall not exceed one (1) square foot for each lineal foot of building wall facing a public street. The location and number of wall signs is at the option of the owner or tenant, however, consideration shall be given to the relationship between signs and to those on surrounding businesses before erecting, installing or painting any sign on a building wall.

3. One (1) identification sign per business establishment may be suspended from or attached to the underside of a canopy or marquee, provided such sign does not exceed six (6) square feet in area and maintains a clear distance of at least eight (8) feet between the sidewalk and the bottom of the sign.
4. One (1) outdoor advertising sign structure shall be permitted on a zoning lot not occupied by any other permitted use. Such structure shall meet all setback and yard requirements of the zoning district, and in addition shall be no closer than one hundred (100) feet to a residential zone or use property line. Outdoor advertising signs shall not exceed three hundred (300) feet in area or forty feet in height.
5. Temporary signs as permitted by Section VIII-5.

.0 Temporary Signs

The following signs of a temporary nature are permitted in all zoning districts and shall require no permit unless provided otherwise herein:

- a. One (1) unilluminated sign per street frontage pertaining only to the lease, rent or sale of the property upon which it is displayed. The maximum size of such signs shall be as follows:
 1. In all residential districts, twelve (12) square feet per zoning lot.
 2. In all other districts, such signs shall be limited to one (1) square foot of area for each five (5) feet of advertised property which abuts a public street; provided, however, no such sign shall exceed one hundred and twenty-eight (128) square feet in area.
- b. One (1) construction sign may be erected on a site during the period of construction or reconstruction of a building or other similar project. The sign may identify the owner and/or developer, architect, engineer, contractor and other individuals or firms, and the character or purpose for which the structure or site is intended. The sign shall be unilluminated and removed within two (2) days after the construction work has been completed. The maximum size of a construction sign shall be as follows:
 1. In residential zones, thirty-two (32) square feet.
 2. In all other zones, sixty-four (64) square feet or one (1) square foot of sign area for each five (5) feet of property abutting a public street, whichever is greater. In no instance, however, shall any such sign exceed one hundred and twenty-eight (128) square feet in area.
- c. Signs for promotional purposes by an individual business may be displayed on the premises and for a period not to exceed twenty-eight (28) days during each calendar year.
- d. Banners, pennants, ribbons, posters, streamers, strings of light bulbs, spinners or other similar devices may be displayed for a period of not more than twenty-one (21) days in any one calendar year on the occasion of the opening of a new business.

- e. Temporary signs painted or displayed on the interior or exterior of commercial building windows, provided, however, such signs shall not exceed twenty-five percent (25%) of the total window area.
- f. Directional signs advertising a public event and located off premises may be displayed on private property not more than one (1) week in advance of the event and not more than two (2) days after the completion of the event. No such sign shall exceed six (6) square feet in area.
- g. Real estate signs advertising an open house and located off premises may be displayed on private property only on those days the property is available for inspection. No such sign shall exceed six (6) square feet in area.

10 Prohibited Signs

Unless otherwise permitted, the following signs are prohibited:

- a. Banners, posters, pennants, ribbons, streamers, strings of light bulbs, spinners, or other similar devices, except as permitted in Section VIII-3.
- b. Signs advertising an activity, business, product or service no longer conducted on the premises upon which the sign is located.
- c. Signs which, because of their location, nature, color, shape, or message would tend to be confused with or obstruct the view of traffic signals or signs.

10 Illumination

Where illuminated signs are permitted, they shall conform to the following requirements:

- a. All signs illuminated under the provisions of this section shall be constructed to meet the requirements of the National Electric Code.
- b. Signs which contain, include or are lighted by any flashing, intermittent or moving lights are prohibited, except those giving public information such as time, temperature and date.
- c. Self-illuminated signs shall be limited to those lighted internally with glass or plastic faces bearing the advertisement; provided, however, that exposed neon tubing and exposed incandescent or other bulbs not exceeding fifteen (15) watts each shall be permitted.
- d. Flood and display lighting shall be shielded so as to prevent direct rays of light from being cast into a residential area or district and/or vehicles approaching on a public right-of-way from any direction. Such lighting shall also be shielded so as to prevent direct view of the light source from a residence or residential district and/or vehicles approaching on a public right-of-way from any direction.

ADMINISTRATION AND ENFORCEMENT

1.0 Zoning Enforcement

The City Building Inspector or his authorized agent is hereby authorized, and it shall be his duty, to enforce the provisions of this Ordinance. Appeal from the decision of the Building Inspector may be made to the Board of Adjustment.

In administering the provisions of this Ordinance, the Building Inspector shall:

- a. Make and maintain records of all applications for permits and requests listed herein, and records of all permits issued or denied, with notations of all special conditions or modifications involved.
- b. File and safely keep copies of all plans submitted, and the same shall form a part of the records of his office and shall be available for inspection at reasonable times by any interested person.
- c. Transmit to the appropriate board or commission and City Council all applications and plans for which their review and approval is required.
- d. Conduct inspections of premises and, upon finding that any of the provisions of this Ordinance are being violated, notify in writing the person responsible for such violations, indicating the nature of the violation and ordering the action necessary to correct it.

2.0 Building Permit

No building or structure or any part thereof shall be erected, enlarged or structurally altered, nor shall any excavation, soil removal, disturbance of vegetation, filling or grading be commenced, nor shall any sign be erected, repaired or painted, without first making application for and obtaining a building permit therefor from the Building Inspector or his authorized agent.

Application for a building permit shall be made in writing by the owner or his authorized agent upon forms supplied by the City of Rockingham. The application shall include a statement as to the intended use of the building or land and shall be accompanied by a plot plan, drawn to scale, showing accurate dimensions of the lot to be built upon, accurate dimensions of the building to be erected, its location on the lot, and such other information as may be necessary to provide for the enforcement of this and other related Ordinances.

No building permit shall be issued until such time as the plot plan required by this Ordinance and any building plans required by the Code of Ordinances have been reviewed and approved by the Building Inspector. Upon approval of the building permit, any person performing the work covered by the permit shall post such permit on the premises until a certificate of occupancy has been issued.

3.0 Certificate of Occupancy

No land or building shall be used or occupied, except for bona fide farm purposes, no building hereafter structurally altered, erected or moved, and no building or site shall be changed from one use to another until a written certificate of occupancy is obtained from the Building Inspector or his authorized agent stating that the building, site improvements and the proposed use or uses comply

with the provisions of this Ordinance, plans submitted and approved, as well as other applicable provisions of the Code of Ordinances of the City of Rockingham.

Where a certificate of occupancy is requested prior to building or site improvements being completed, a performance bond or other acceptable guarantee of improvements shall be submitted and approved by the Building Inspector or his authorized agent before a written certificate of occupancy is issued.

Rockingham, and two (2) members shall be appointed by the extrajurisdictional planning and zoning jurisdiction beyond the City's corporate limits. The members residing within the corporate limits of the City shall be appointed by the Rockingham City Council, and the members residing within the extrajurisdictional planning and zoning jurisdiction shall be appointed by the Richmond County Board of Commissioners, upon recommendation of the City Council. The term of office for members of the Board of Adjustment shall be three (3) years. In appointing members to fill vacancies caused by the expiration of terms of existing members, the City Council may appoint, or recommend the appointment of, certain members for less than three (3) years to the end that the terms of all members shall not expire at the same time.

The representatives from the extrajurisdictional planning and zoning jurisdiction shall have equal rights and privileges with the representatives from within the corporate limits of the City of Rockingham and shall have the same duties and responsibilities, regardless of whether the matters at issue arise within the corporate limits or within the extrajurisdictional zoning jurisdiction.

1.2 Proceedings of the Board of Adjustment

The Board of Adjustment shall elect a chairman and vice-chairman from its members who shall serve for one (1) year or until re-elected or until their successors are elected. The Board shall appoint a secretary who shall keep minutes of the proceedings, showing the vote of each member upon every question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record. The Board shall also adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance, the chairman, or in his absence, the vice-chairman, is authorized in his official capacity to administer oaths to witnesses in any matter coming before the Board.

1.3 Duties of the Town Development Director, Board of Adjustment, Town Council, and Courts on Matters of Appeal

It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Building Inspector or his authorized representative, and that such questions shall be presented to the Board of Adjustment only on an appeal from the decision of the Building Inspector or his authorized representative, and that recourse from the decision of the Board of Adjustment shall be to the courts as provided by law.

It is further the intent of this Ordinance that the duties of the City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for making such questions shall be as set forth in this section and this Ordinance. Under this Ordinance the City Council shall have only the duties of considering and adopting any proposed amendments or repeal of this Ordinance, as provided by law.

1.0 Establishment of Board of Adjustment

There is hereby created and established a Board of Adjustment which shall consist of five (5) members. Three (3) members shall be residents of the City of Rockingham, and two (2) members shall be residents of the extraterritorial planning and zoning jurisdiction beyond the City's corporate limits. The members residing within the corporate limits of the City shall be appointed by the Rockingham City Council, and the members residing within the extraterritorial planning and zoning jurisdiction shall be appointed by the Richmond County Board of Commissioners, upon recommendation of the City Council. The term of office for members of the Board of Adjustment shall be three (3) years. In appointing members to fill vacancies caused by the expiration of terms of existing members, the City Council may appoint, or recommend the appointment of, certain members for less than three (3) years to the end that the terms of all members shall not expire at the same time.

The representatives from the extraterritorial planning and zoning jurisdiction shall have equal rights and privileges with the representatives from within the corporate limits of the City of Rockingham and shall have the same duties and responsibilities, regardless of whether the matters at issue arise within the corporate limits or within the extraterritorial zoning jurisdiction.

2.0 Proceedings of the Board of Adjustment

The Board of Adjustment shall elect a chairman and vice-chairman from its members who shall serve for one (1) year or until re-elected or until their successors are elected. The Board shall appoint a secretary who shall keep minutes of the proceedings, showing the vote of each member upon every question, or if absent or failing to vote indicating such fact, and shall keep records of its examinations and other official actions, all of which shall be a public record. The Board shall also adopt rules necessary to the conduct of its affairs and in keeping with the provisions of this Ordinance, the Chairman, or in his absence, the vice-chairman, is authorized in his official capacity to administer oaths to witnesses in any matter coming before the Board.

3.0 Duties of the Town Development Director, Board of Adjustment, Town Council, and Courts on Matters of Appeal

It is the intent of this Ordinance that all questions of interpretation and enforcement shall first be presented to the Building Inspector or his authorized representative, and that such questions shall be presented to the Board of Adjustment only on an appeal from the decision of the Building Inspector or his authorized representative, and that recourse from the decision of the Board of Adjustment shall be to the courts as provided by law.

It is further the intent of this Ordinance that the duties of the City Council in connection with this Ordinance shall not include hearing and deciding questions of interpretation and enforcement that may arise. The procedure for deciding such questions shall be as set forth in this section and this Ordinance. Under this Ordinance the City Council shall have only the duties of considering and adopting any proposed amendment or repeal of this Ordinance, as provided by law.

4.0 Appeals to the Board of Adjustment

Appeals to the Board of Adjustment may be taken by any person, firm or corporation aggrieved, or by any officer, department, board or bureau of the City of Rockingham affected by any order, requirement, decision or determination made by the Building Inspector or his authorized representative based in whole or in part upon the provisions of this Ordinance. Appeals shall be taken within times prescribed by the Board of Adjustment by general rule, by filing with the Building Inspector or his authorized representative, and with the Board of Adjustment, a notice of appeal specifying the grounds thereof. The Building Inspector or his authorized representative shall forthwith transmit to the Board all the papers constituting the record upon which the action appealed from was taken.

5.0 Stay of Proceedings

An appeal stays all proceedings in furtherance of the action appealed from, unless the Building Inspector or his authorized representative from whom the appeal is taken certifies to the Board of Adjustment, after notice of appeal has been filed with him, that because of facts stated in the certificate a stay would, in his opinion, cause imminent peril to life or property or that because the violation charged is transitory in nature a stay would seriously interfere with enforcement of the Ordinance. In that case, proceedings shall not be stayed except by a restraining order, which may be granted by the Board of Adjustment or by a court of record on application, on notice to the Building Inspector or his authorized representative from whom the appeal is taken and on due cause shown.

6.0 Powers and Duties of the Board of Adjustment

The Board of Adjustment shall have the following powers and duties:

- a. Administrative Review. To hear and decide appeals where it is alleged there is error in any order, requirement, decision or determination made by the Building Inspector or his authorized representative in the enforcement of this Ordinance.
- b. Special Uses. To grant, in particular cases and subject to appropriate safeguards, permits for special uses as authorized by Section IV - Special Uses and Section III - Nonconforming Situations.
- c. Variances. To authorize upon appeal in specific cases such variance from the terms of this Ordinance as will not be contrary to the public interest where, owing to special conditions, a literal interpretation of the provisions of this Ordinance would result in unnecessary hardship. A variance from the terms of this Ordinance shall not be granted by the Board of Adjustment unless and until a public hearing is held. Each application for a variance shall be made upon forms provided by the Building Inspector and shall be filed with him at least seven (7) days prior to the public hearing date.

Upon receipt of the application, the Building Inspector shall prepare a notice of public hearing to be posted on the property for which the variance is sought and advertised once in one (1) or more local newspapers at least five (5) days prior to the public hearing. The person or persons submitting an application for a variance shall pay expenses incurred by the City in the proper advertisement of such hearing and administrative review of the application.

At the public hearing, each applicant for a variance shall be required to show each of the following:

1. That if he complies with the provisions of the Ordinance, he can secure no reasonable return from, or make no reasonable use of, his property,
2. That the hardship results from the application of the provisions of this Ordinance to his property,
3. That the hardship of which he complains is suffered by his property directly, and not merely by others,
4. That the hardship is not the result of his own actions, and
5. That the hardship is peculiar to the property of the applicant.

Before the Board of Adjustment shall grant any variances, it shall make the following findings:

1. That there are practical difficulties or unnecessary hardships in the way of carrying out the strict letter of the Ordinance,
2. That the variance is in harmony with the general purpose and intent of the Ordinance and preserves its spirit, and
3. That in granting the variance, the public safety and welfare have been assured and substantial justice has been done.

In granting any variances, the Board of Adjustment may prescribe appropriate conditions and safeguards in conformity with this Ordinance. Violation of such conditions and safeguards, when made a part of the terms under which the variance is granted, shall be deemed a violation of this Ordinance and shall be punishable under Section IX of this Ordinance.

Under no circumstances shall the Board of Adjustment grant a variance to allow a use not permissible under the terms of this Ordinance in the district involved, or any use expressly or by implication prohibited by the terms of this Ordinance in said district. Likewise, no nonconforming use of neighboring lands, structures or buildings in the same district, and no permitted or conforming use of lands, structures or buildings in other districts shall be considered grounds for the issuance of a variance.

7.0 Decisions of the Board of Adjustment

The concurring vote of four-fifths (4/5) of the members of the Board of Adjustment shall be necessary to reverse any order, requirement, decision or determination of the Building Inspector or his authorized representative charged with the enforcement of this Ordinance, or to decide in favor of the applicant any matter upon which it is required to pass under this Ordinance, or to grant a variance from the provisions of this Ordinance. Every decision of the Board of Adjustment shall be subject to review by the Superior Court by proceedings in the nature of certiorari.

AMENDMENT PROCEDURES

1.0 Changes and Amendments

The City Council may, on its own motion, upon recommendation of the Planning Board, or upon petition by an interested person, amend, supplement, change, modify or repeal the regulations or district boundaries established by this Ordinance. A petition by an interested person shall be submitted to the City Council through and reviewed by the Planning Board, which shall consider its merit and make a recommendation to the City Council. In no case shall final action by the City Council be taken on amending, changing, supplementing, modifying or repealing the regulations or district boundaries hereby established until a public hearing has been held by the City Council at which parties in interest and citizens shall have an opportunity to be heard.

2.0 Action by the Applicant

The petition of any interested person to amend the district boundaries or regulations established by this Ordinance shall be made on forms provided by the Building Inspector and shall include the following information:

- a. A description and/or statement of the present and proposed regulations or district boundary.
- b. The names and addresses of the party or parties requesting the amendment.
- c. In cases involving the amendment of a zoning district boundary, a currently accurate survey or Richmond County tax map showing all parcels of land included in the petition.
- d. The names and addresses of all persons owning land within two hundred (200) feet of the property for which rezoning is sought.

The person or persons submitting a petition shall pay all expenses incurred by the City in the proper advertisement of the public hearing and administrative review of the application.

3.0 Action by the Planning Board

Every proposed amendment, supplement, change, modification or repeal of this Ordinance shall be referred to the Planning Board for its recommendation and report.

A petition to amend the district boundaries or regulations established by this Ordinance shall be considered by the Planning Board at its next regular monthly meeting, held the first Tuesday of each month, or any called special meeting, provided it has been filed, complete in form and content, at least two (2) weeks prior to such a meeting. Otherwise, consideration shall be deferred until the following monthly meeting.

The Planning Board shall render its decision on any properly filed petition within sixty (60) days after the introduction of such petition and shall transmit its recommendation and report, including the reasons for its determinations, to the City Council.

4.0 Action by the City Council

If the Planning Board recommends against the adoption of any amendment, and if the City Council approves the recommendation of the Planning Board, no further action shall be required.

If the Planning Board recommends adoption of an amendment, or if the Planning Board recommends against the adoption of an amendment and the City Council should be inclined to reject such recommendation, no amendment shall be adopted by the City Council until after public notice and hearing.

The notice of public hearing shall be given once a week for two (2) successive calendar weeks in a newspaper having general circulation in the area. The notice shall be published for the first time not less than fifteen (15) days nor more than twenty-five (25) days before the date fixed for the hearing. The time for publication of such notice shall be computed so as to exclude the first day of publication and include the day on which the public hearing is to be held. In addition to indicating the amendment to be considered and the time, date and location of the public hearing, every notice shall contain a provision indicating that as a result of the hearing, substantial changes may be made in the advertised proposal, reflecting objections, debate and discussion at the hearing.

5.0 Protest to Amendment

In case of a protest against any amendment to the regulations or district boundaries established by this Ordinance, signed by the owners of twenty percent (20%) or more either of the area of the lots included in such proposed change, or of those immediately adjacent thereto either in the rear thereof or on either side thereof, extending one hundred (100) feet therefrom, or of those directly opposite thereto extending one hundred (100) feet from the street frontage of such opposite lots, such amendment shall not become effective except by favorable vote of three-fourths (3/4) of all the members of the City Council. These provisions shall not, however, apply to any amendment which initially zones property added to the territorial coverage of the Ordinance as a result of annexation or otherwise.

No protest against any change in or amendment to the regulations or district boundaries established by this Ordinance shall be valid or effective under the provisions of the foregoing paragraph unless it is in the form of a written petition actually bearing the signatures of the requisite number of property owners and stating that the signers do protest the proposed change or amendment, and unless it shall have been received by the City Clerk in sufficient time to allow at least two (2) normal work days, excluding Saturdays, Sundays, and legal holidays, before the date established for a public hearing on the proposed change or amendment to determine the sufficiency and accuracy of the petition.

6.0 Withdrawal of Petition

Any petition submitted in accordance with the provisions of Section _____ for the purpose of amending the regulations or district boundaries established by this Ordinance may be withdrawn at any time prior to City Council final action.

7.0 Reconsideration of Petition

Whenever a petition requesting an amendment has been denied, such petition shall not be considered again sooner than twelve (12) months after the date of denial, unless the City Council, after considering the recommendation of the Planning Board, shall find that there have been substantial changes in conditions or circumstances bearing on the petition.

1.0 Effect of Amendment Petition on Building Permits

Whenever a petition requesting an amendment to the zoning district boundaries is filed with the Building Inspector, no building permits or certificates of occupancy shall be issued for property within the affected area until the petition is acted upon by City Council. Building permits and certificates of occupancy issued prior to the filing of a zoning boundary amendment petition shall not be adversely affected under this provision. The Building Inspector shall issue building permits and certificates of occupancy for property within such an affected area when it is clear that the structure or use is permitted under the provisions of both the existing and petitioned zoning district. Projects under development may be completed, and certificates of occupancy issued, when a valid building permit was issued prior to filing of a zoning boundary amendment petition.

2.0 Effect on Liabilities

The enactment of this Ordinance shall not affect any action, suit or proceeding pending at the time of enactment and all liabilities that have accrued under the Zoning Ordinance enacted May 5, 1966, as amended, are reserved and may be enforced.

3.0 Severability

Should any section or provision of these regulations or any boundary of any district of the Official Zoning Map herein or hereafter adopted be decided by the courts to be unconstitutional or invalid, the invalidation of the application of any provision of this Ordinance to any particular property or structure by the courts shall not affect the application of such provision to any other property or structure not specifically included in said invalidation.

4.0 Penalties for Violation

If a building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the City, in addition to other remedies provided by law, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate the violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct or business in or upon such premises.

Any person, firm or corporation who violates the provisions of this Ordinance or fails to comply with any of its requirements shall, upon conviction, be guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50) and/or imprisoned for not more than thirty (30) days. Each day such violation continues shall be considered a separate offense.

5.0 Effective Date

The Ordinance shall be in full force and effect from and after its adoption by the City Council of the City of Rockingham, North Carolina on

1.0 Interpretation, Application and Conflict

In their interpretation and application, the provisions of this Ordinance shall be held to be the minimum requirements adopted for the promotion of the public health, safety, comfort, convenience and general welfare. It is not intended by this Ordinance to repeal, abrogate, annul or in any way to impair or interfere with any existing provisions of law or ordinance, other than the Zoning Ordinance enacted May 6, 1966, as amended. Furthermore, the enactment of this Ordinance is not intended to interfere with or abrogate or annul any easements, covenants or other agreements between parties; provided, however, that where this Ordinance imposes a greater restriction upon the use of buildings or premises or upon the height of buildings, or requires larger open spaces than are imposed or required by other ordinances, rules, regulations, or by easements, covenants or agreements, the provisions of this Ordinance shall govern.

2.0 Effect on Liabilities

The enactment of this Ordinance shall not effect any action, suit or proceeding pending at the time of enactment and all liabilities that have accrued under the Zoning Ordinance enacted May 6, 1966, as amended, are reserved and may be enforced.

3.0 Separability

Should any section or provision of these regulations or any boundary of any district of the Official Zoning Map herein or hereafter adopted be decided by the courts to be unconstitutional or invalid, the invalidation of the application of any provision of this Ordinance to any particular property or structure by the courts shall not affect the application of such provision to any other property or structure not specifically included in said invalidation.

4.0 Penalties for Violation

If a building or structure is erected, constructed, reconstructed, altered, repaired, converted or maintained, or any building, structure or land is used in violation of this Ordinance, the City, in addition to other remedies provided by law, may institute any appropriate action or proceedings to prevent the unlawful erection, construction, reconstruction, alteration, repair, conversion, maintenance or use, to restrain, correct or abate the violation, to prevent the occupancy of said building, structure or land, or to prevent any illegal act, conduct or business in or about such premises.

Any person, firm or corporation who violates the provisions of this Ordinance or fails to comply with any of its requirements shall, upon conviction, be guilty of a misdemeanor and shall be fined not more than fifty dollars (\$50) and/or imprisoned for not more than thirty (30) days. Each day such violation continues shall be considered a separate offense.

5.0 Effective Date

The Ordinance shall be in full force and effect from and after its adoption by the City Council of the City of Rockingham, North Carolina on

ENVIRONMENTAL ASSESSMENT

This ordinance regulates the use, density, bulk, height, and other facets of land development within the jurisdiction of the City of Rockingham, North Carolina.

The standards and criteria in this ordinance should have an overall beneficial impact on the environment because its primary intention is to foster orderly and efficient urban growth.

Adverse Effects

Urban development, which is expected with or without this ordinance, will: remove natural vegetation and topsoil; increase storm water runoff; increase sewage and solid waste demands; and consume open space. Construction activity will temporarily create dust, noise, sedimentation, and will consume natural resources.

Unavoidable Adverse Effects

Same as above. This zoning ordinance will limit these effects by regulating development and preserving open space and floodplains.

Plan Alternatives

This zoning ordinance could have been written many different ways, but only one basic alternative is available. That would be to not have the ordinance. No ordinance could negatively impact the environment by allowing haphazard urban development, while this ordinance seeks to foster orderly development.

Relationship Between Long and Short Term Uses and the Maintenance of Long Term Productivity

This zoning ordinance will help ensure that long term productivity is enhanced through orderly and sometimes restricted growth. This can be accomplished with minimal adverse environmental effect because the ordinance includes environmental standards in the review processes. The ordinance specifically addresses short term land use activity, and controls the short term for long term benefit.

Irreversible and Irretrievable Commitments of Resources

In any type of development, agricultural and wooded lands will be converted to urban uses. Energy resources are committed in any construction. The zoning ordinance seeks efficient development, and should thus commit less resources than haphazard and unregulated development.

APPLICABLE FEDERAL, STATE, AND LOCAL

ENVIRONMENTAL PRESERVATION CONTROLS

- Federal:
- National Environmental Policy Act of 1969
 - Federal Water Pollution Control Act Amendments of 1972
 - Water Quality Act, 1970
 - 1899 Refuse Act
 - Solid Waste Disposal Act, 1965
 - Resource Recovery Act, 1970
 - Resource Conservation and Recovery Act of 1976
 - National Historic Preservation Act of 1966
 - Flood Disaster Protection Act of 1973
 - Clean Air Act, 1970
 - Land and Water Conservation Fund Act of 1964
 - Environmental Quality Act of 1970
 - Rural Development Act of 1972
 - Executive Order 11514, March, 1970 "Protection and Enhancement of Environmental Quality"
 - Executive Order 11593, May, 1971, "Protection and Enhancement of the Cultural Environment"
- State:
- Chapter 160A, Article 19, General Statutes of North Carolina "Planning and Regulation of Development"
 - Water Use Act of 1967
 - Soil Conservation District Law of 1937
 - Sedimentation Pollution Control Act of 1973
 - North Carolina Environmental Policy Act of 1971
 - North Carolina Land Policy Act of 1974
 - North Carolina Uniform Building Code

- G.S. 160A-399, Historic Properties Commissions

Local:

- Rockingham Zoning Ordinances
- Rockingham Subdivision Regulations
- Rockingham Historic District Ordinance
- Hamlet Zoning Ordinance and Subdivision Regulations
- Rockingham Flood Plain Ordinance
- Ellerbe Zoning Ordinance
- Richmond County Health Department Regulations

HISTORIC PRESERVATION ASSESSMENT

This ordinance regulates the use, density, bulk, height, and other facets of land development within the jurisdiction of the City of Rockingham, North Carolina.

Beneficial and Adverse Impacts

Land use zoning districts are designed in part to protect existing development including historic structures. This protection is limited to the use and activity of the property. It is not under the purview of this ordinance to regulate preservation any further. The ordinance encourages development and redevelopment in certain areas, and this may adversely impact certain historic sites. The City does have an established local historic district which protects a significant residential district.

Unavoidable Adverse Impacts

Nothing contained in this ordinance will create unavoidable adverse impacts. Certain historic properties may be lost to redevelopment, but the potential for this would be greater without a zoning ordinance.

Plan Alternatives

No plan alternatives are appropriate to this ordinance. The ordinance is a land use plan implementation device.

Impact on the Long Term Maintenance and Enhancement
of National Register Properties

All properties listed in the National Register, and potentially eligible for listing, are used in a manner consistent with this zoning ordinance. Thus the ordinance in effect fosters long term maintenance of these properties.

FEDERAL, STATE, AND LOCAL CONTROLS

- Federal:
- National Historic Preservation Act of 1966
 - The Archeological and Historic Preservation Act of 1974, Public Law 93-291
 - Executive Order 11593, Protection and Enhancement of the Cultural Environment, 16 U.S.C. 470 (Supp. 1, 1971)
 - National Environmental Policy Act, Public Law 91-190, 42 U.S.C. 4321 Et Seq. (1970)
 - Community Development Act of 1974, Public Law 93-383: Environmental Review Procedures for the Community Development Block Grant Program (40 CFR Part 58)
 - Procedures for the Protection of Historic and Cultural Properties (36 CFR Part 800)
 - Comprehensive Planning Assistance Program (701) as Amended by Public Law 93-393
 - The Department of Transportation Act of 1966, Public Law 89-670
 - Identification and Administration of Cultural Resources: Procedures of Individual Federal Agencies

- State:
- G.S. 121-12 (a) Protection of Properties in the National Register
 - State Environmental Policy Act, Article 1 of Chapter 113A of the General Statutes
 - Executive Order XVI
 - Indian Antiquities, G.S. 70.1-4
 - Salvage of Abandoned Shipwrecks and Other Underwater Archeological Sites: G.S. 121-22, 23; 143B-62(1) g, (3)
 - Archeological Salvage in Highway Construction, G.S. 136-42.1
 - Provisions for Cultural Resources in Dredging and Filling Operations, G.S. 113-229
 - G.S. 160A-395, Historic Districts

- G.S. 160A-399, Historic Properties Commissions

Local:

- Rockingham Zoning Ordinances
- Rockingham Subdivision Regulations
- Rockingham Historic District Ordinance
- Hamlet Zoning Ordinance and Subdivision Regulations
- Rockingham Flood Plain Ordinance
- Ellerbe Zoning Ordinance
- Richmond County Health Department Regulations

